

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Prosecution Highway (PPH) Program
OMB CONTROL NUMBER 0651-0058
(December 2011)

A. JUSTIFICATION

1. Necessity of Information Collection

The Patent Prosecution Highway (PPH) pilot program was originally established between the United States Patent and Trademark Office (USPTO) and the Japan Patent Office (JPO) on July 3, 2006. The USPTO and the JPO agreed at the November 2007 Trilateral Conference to fully implement the PPH program on a permanent basis starting on January 4, 2008.

The USPTO entered into a PPH pilot program with the United Kingdom Intellectual Property Office (UKIPO) on September 4, 2007. Since then, additional PPH pilot programs have been established between the USPTO and the intellectual property offices of several other countries. Some of the pilot programs, such as those with Japan, Canada, and South Korea, have become permanent.

The PPH program allows applicants whose claims are determined to be patentable in the office of first filing to have the corresponding application that is filed in the office of second filing be advanced out of turn for examination. At the same time, the PPH program allows the office of second filing to exploit the search and examination results of the office of first filing, which increases examination efficiency and improves patent quality. The PCT-PPH pilot program is an expansion to the PPH program based on the framework of the Patent Cooperation Treaty (PCT). Information collected for the PCT is approved under OMB control number 0651-0021.

PPH agreements streamline the patent system by allowing patent examiners to avail themselves of the work product from other participating patent offices. Originally, the PPH program was limited to the utilization of search and examination results of national applications between cross filings under the Paris Convention. The newer PCT-PPH agreements have greatly expanded the potential of the PPH program by permitting participating patent offices to draw upon the positive results of the PCT work product from another participating office. The PCT-PPH pilot program uses international written opinions and international preliminary examination reports developed within the framework of the PCT, thereby making the PPH program available to a larger number of applicants.

The forms in this collection allow participants to file a request in a corresponding U.S. application and petition to make the U.S. application special under the PPH or PCT-PPH program. The PPH forms collect similar data; however, there is a unique form for each

participant. This collection includes forms for these current PPH programs with the USPTO: Japan Patent Office (JPO), United Kingdom Intellectual Property Office (UKIPO), Canadian Intellectual Property Office (CIPO), Danish Patent and Trademark Office (DKPTO), European Patent Office (EPO), Korean Intellectual Property Office (KIPO), Intellectual Property Office of Australia (IPAU), Intellectual Property Office of Singapore (IPOS), German Patent and Trade Mark Office (DPMA), National Board of Patents and Registration of Finland (NBPR), Russian Patent Office (ROSPATENT), Hungarian Patent Office (HPO), Spanish Patent and Trademark Office (SPTO), Austrian Patent Office (APO), Mexican Institute of Industrial Property (IMPI), Israeli Patent Office, and Taiwan Intellectual Property Office (TIPO). This collection also includes forms for these upcoming PPH programs that are being planned with the USPTO: State Intellectual Property Office of the P.R.C. (SIPO) and Instituto Nacional da Propriedade Industrial (INPI).

This collection includes forms for these current PCT-PPH pilot programs with the USPTO: EPO, JPO, KIPO, APO, ROSPATENT, SPTO, IPAU, NBPR, Swedish Patent and Registration Office (PRV), Nordic Patent Institute (NPI), and in U.S. applications where the USPTO was the International Searching Authority (ISA) or International Preliminary Examining Authority (IPEA). This collection also includes forms for these upcoming PCT-PPH pilot programs that are being planned with the USPTO: CIPO and SIPO.

The USPTO is proposing to add two forms to this collection (PTO/SB/20NO and PTO/SB/20IS) for new participants in the PPH pilot program. The USPTO launched the PPH pilot program with the Norwegian Industrial Property Office (NIPO) on November 1, 2011, and the Icelandic Patent Office (IPO) on December 1, 2011.

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

Table 1: Information Requirements for the PPH Program

Requirement	Statute	Rule
Request for Participation in the PPH Program Between the USPTO and the JPO, UKIPO, CIPO, KIPO, IPAU, EPO, DKPTO, IPOS, DPMA, NBPR, ROSPATENT, HPO, SPTO, APO, Israeli Patent Office, IMPI, SIPO, INPI, TIPO, NIPO, or IPO	35 U.S.C. § 119	37 CFR 1.55 and 1.102(a)
Request for Participation in the PCT-PPH Pilot Program Between the USPTO and the EPO, JPO, KIPO, APO, ROSPATENT, SPTO, IPAU, CIPO, NBPR, PRV, NPI, or SIPO	35 U.S.C. § 119	37 CFR 1.55 and 1.102(a)
Request for Participation in the PCT-PPH Pilot Program in a U.S. Application Where the USPTO was the ISA or IPEA	None	37 CFR 1.55 and 1.102(a)

2. Needs and Uses

This information collection is necessary so that patent applicants may participate in the PPH or PCT-PPH programs between the USPTO and other patent offices in order to receive the benefits of more efficient examination. The USPTO provides forms to assist the public with requesting participation and submitting the required information for each program.

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 the PPH Program

Form and Function	Form #	Needs and Uses
Request for Participation in the PPH Program Between the JPO and the USPTO	PTO/SB/20JP	<ul style="list-style-type: none"> Used by the public to request participation in the program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the UKIPO and the USPTO	PTO/SB/20UK	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Program Between the CIPO and the USPTO	PTO/SB/20CA	<ul style="list-style-type: none"> Used by the public to request participation in the program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Program Between the KIPO and the USPTO	PTO/SB/20KR	<ul style="list-style-type: none"> Used by the public to request participation in the program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the IPAU and the USPTO	PTO/SB/20AU	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the EPO and the USPTO	PTO/SB/20EP	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.

Form and Function	Form #	Needs and Uses
Request for Participation in the PPH Pilot Program Between the DKPTO and the USPTO	PTO/SB/20DK	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the IPOS and the USPTO	PTO/SB/20SG	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the DPMA and the USPTO	PTO/SB/20DE	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the NBPR and the USPTO	PTO/SB/20FI	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the ROSPATENT and the USPTO	PTO/SB/20RU	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the HPO and the USPTO	PTO/SB/20HU	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the SPTO and the USPTO	PTO/SB/20ES	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the APO and the USPTO	PTO/SB/20AT	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the Israeli Patent Office and the USPTO	PTO/SB/20IL	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the IMPI and the USPTO	PTO/SB/20MX	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the SIPO and the USPTO	PTO/SB/20CN	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.

Form and Function	Form #	Needs and Uses
Request for Participation in the PPH Pilot Program Between the INPI and the USPTO	PTO/SB/20BR	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the TIPO and the USPTO	PTO/SB/20TW	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the NIPO and the USPTO	PTO/SB/20NO	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PPH Pilot Program Between the IPO and the USPTO	PTO/SB/20IS	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the EPO and the USPTO	PTO/SB/20PCT-EP	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the JPO and the USPTO	PTO/SB/20PCT-JP	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the KIPO and the USPTO	PTO/SB/20PCT-KR	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the APO and the USPTO	PTO/SB/20PCT-AT	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the ROSPATENT and the USPTO	PTO/SB/20PCT-RU	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the SPTO and the USPTO	PTO/SB/20PCT-ES	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the IPAU and the USPTO	PTO/SB/20PCT-AU	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.

Form and Function	Form #	Needs and Uses
Request for Participation in the PCT-PPH Pilot Program Between the CIPO and the USPTO	PTO/SB/20PCT-CA	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the NBPR and the USPTO	PTO/SB/20PCT-FI	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the PRV and the USPTO	PTO/SB/20PCT-SE	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the NPI and the USPTO	PTO/SB/20PCT-NPI	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program Between the SIPO and the USPTO	PTO/SB/20PCT-CN	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.
Request for Participation in the PCT-PPH Pilot Program in a U.S. Application Where the USPTO was the ISA or IPEA	PTO/SB/20PCT-US	<ul style="list-style-type: none"> Used by the public to request participation in the pilot program and submit the required information. Used by the USPTO to determine whether the applicant is eligible for the pilot program and to advance the examination of eligible applications.

3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF) and filled out electronically. Requests to participate in the PPH and PCT-PPH programs must be submitted online using EFS-Web, the USPTO's Web-based electronic filing system.

EFS-Web 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. 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.

4. Efforts to Identify Duplication

The information collected is required to process requests to participate in the PPH or PCT-PPH programs and enable fast-track examination. This information is not collected

elsewhere and does not result in a duplication of effort. If any of the documents required for participation in the programs have already been filed in the U.S. application, the applicant will not need to resubmit those documents and may simply indicate in the request for participation when the documents were previously filed.

5. Minimizing the Burden to Small Entities

This collection does not impose a significant economic burden on small entities or small businesses. The information required by this collection provides the USPTO with the necessary materials for expediting the examination of applications that are eligible for the programs. The same information is required from every applicant and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only when the public submits a request to participate in the PPH or PCT-PPH program. This information could not be collected less frequently. If this information were not collected, the USPTO would not be able to fulfill its obligations under these programs and provide the ensuing examination benefits to eligible applicants.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultations Outside the Agency

The 60-Day Notice was published in the *Federal Register* on July 8, 2011 (76 Fed. Reg. 40339). The comment period ended on September 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. 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. The USPTO employs digital certificates and Public Key Infrastructure (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.

11. Justification of 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 3,900 responses per year for this collection, with approximately 10% of these responses submitted by small entities. All requests for participation in the PPH or PCT-PPH program, which account for 100% of the total responses for this collection, will be submitted electronically via EFS-Web.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately two hours to gather the necessary information, prepare the appropriate form, and submit a 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).

Table 3: Burden Hours/Burden Costs to Respondents for the PPH Program

Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Request for Participation in the PPH Program Between the JPO and the USPTO (PTO/SB/20JP)	2.0	500	1,000	\$340.00	\$340,000.00
Request for Participation in the PPH Pilot Program Between the UKIPO and the USPTO (PTO/SB/20UK)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Program Between the CIPO and the USPTO (PTO/SB/20CA)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Program Between the KIPO and the USPTO (PTO/SB/20KR)	2.0	200	400	\$340.00	\$136,000.00
Request for Participation in the PPH Pilot Program Between the IPAU and the USPTO (PTO/SB/20AU)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the EPO and the USPTO (PTO/SB/20EP)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the DKPTO and the USPTO (PTO/SB/20DK)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the IPOS and the USPTO (PTO/SB/20SG)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the DPMA and the USPTO (PTO/SB/20DE)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the NBFRI and the USPTO (PTO/SB/20FI)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between ROSPATENT and the USPTO (PTO/SB/20RU)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the HPO and the USPTO (PTO/SB/20HU)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the SPTO and the USPTO (PTO/SB/20ES)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the APO and the USPTO (PTO/SB/20AT)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the Israeli Patent Office and the USPTO (PTO/SB/20IL)	2.0	100	200	\$340.00	\$68,000.00

Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Request for Participation in the PPH Pilot Program Between the IMPI and the USPTO (PTO/SB/20MX)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the SIPO and the USPTO (PTO/SB/20CN)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the INPI and the USPTO (PTO/SB/20BR)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the TIPO and the USPTO (PTO/SB/20TW)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the NIPO and the USPTO (PTO/SB/20NO)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PPH Pilot Program Between the IPO and the USPTO (PTO/SB/20IS)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the EPO and the USPTO (PTO/SB/20PCT-EP)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the JPO and the USPTO (PTO/SB/20PCT-JP)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the KIPO and the USPTO (PTO/SB/20PCT-KR)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the APO and the USPTO (PTO/SB/20PCT-AT)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the ROSPATENT and the USPTO (PTO/SB/20PCT-RU)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the SPTO and the USPTO (PTO/SB/20PCT-ES)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the IPAU and the USPTO (PTO/SB/20PCT-AU)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the CIPO and the USPTO (PTO/SB/20PCT-CA)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the NBPR and the USPTO (PTO/SB/20PCT-FI)	2.0	100	200	\$340.00	\$68,000.00

Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Request for Participation in the PCT-PPH Pilot Program Between the PRV and the USPTO (PTO/SB/20PCT-SE)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the NPI and the USPTO (PTO/SB/20PCT-NPI)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program Between the SIPO and the USPTO (PTO/SB/20PCT-CN)	2.0	100	200	\$340.00	\$68,000.00
Request for Participation in the PCT-PPH Pilot Program in a U.S. Application Where the USPTO was the ISA or IPEA (PTO/SB/20PCT-US)	2.0	100	200	\$340.00	\$68,000.00
Totals	-----	3,900	7,800	-----	\$2,652,000.00

13. Total Annual (Non-hour) Cost Burden

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

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-15, step 1 employee approximately one hour on average to process a request for participation in the PPH or PCT-PPH program. The USPTO estimates that the cost of a GS-15, step 1 employee is \$77.09 per hour (GS hourly rate of \$59.30 with 30% (\$17.79) added for benefits and overhead).

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 the PPH Program

Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Request for Participation in the PPH Program Between the USPTO and the JPO, UKIPO, CIPO, KIPO, IPAU, EPO, DKPTO, IPOS, DPMA, NBPR, ROSPATENT, HPO, SPTO, APO, Israeli Patent Office, IMPI, SIPO, INPI, TIPO, NIPO, or IPO	1.0	2,600	2,600	\$77.09	\$200,434.00
Request for Participation in the PCT-PPH Pilot Program Between the USPTO and the EPO, JPO, KIPO, APO, ROSPATENT, SPTO, IPAU, CIPO, NBPR, PRV, NPI, or SIPO	1.0	1,200	1,200	\$77.09	\$92,508.00

Request for Participation in the PCT-PPH Pilot Program in a U.S. Application Where the USPTO was the ISA or IPEA	1.0	100	100	\$77.09	\$7,709.00
Totals	-----	3,900	3,900	-----	\$300,651.00

15. Summary of Changes in Burden Since the Previous Renewal

Interim Approvals

- Notice of Action, January 2009: Revision of a single form for the PPH programs with the JPO and UKIPO into two separate forms, addition of five forms for new participants in the PPH pilot program (CIPO, DKPTO, EPO, KIPO, and IPAU), and addition of one form for the Triway Pilot Program among the USPTO, EPO and JPO. Increased burden by 550 responses, 1,050 hours, and \$334,950 in annual (non-hour) costs.
- Notice of Action, June 2009: Addition of three forms for new participants in the PPH pilot program (DPMA, IPOS, and NBPR) and revisions to make PPH KIPO a permanent program. Increased burden by 300 responses, 600 hours, and \$39,030 in annual (non-hour) costs.
- Notice of Action, January 2010: Revision of Form PTO/SB/20JP to indicate that an accuracy statement is not required for English translations of JPO office actions if the translation is provided by the JPO, addition of one form for a new participant in the PPH program (ROSPATENT), and addition of two forms for participants in the PCT-PPH pilot program (EPO and JPO). Increased burden by 300 responses, 600 hours, and \$39,030 in annual (non-hour) costs.
- Notice of Action, August 2010: Addition of three forms for new participants in the PPH (HPO and SPTO) and PCT-PPH (KIPO) pilot programs, and deletion of two forms for information no longer being collected—Request for Participation in the New Route Pilot Program Between the JPO and the USPTO (PTO/SB/10) and Request for Participation in the Triway Pilot Program Among the USPTO, the EPO and the JPO (PTO/SB/12). Also removal of petition fees that had been eliminated and revision of recordkeeping cost estimates. Increased burden by 150 responses and 375 hours, and decreased annual (non-hour) costs by \$247,360.
- Notice of Action, September 2010: Addition of five forms for new participants in the PPH (APO) and PCT-PPH (APO, ROSPATENT, SPTO, and USPTO) pilot programs. Increased burden by 500 responses, 1,000 hours, and \$1,500 in annual (non-hour) costs.

- Notice of Action, January 2011: Addition of three forms for new participants in the PCT-PPH pilot program (IPAU, CIPO, and NBPR). Removal of recordkeeping costs because keeping a copy of the acknowledgment receipt for online submissions is a suggestion and not a requirement. Increased burden by 300 responses and 600 hours, and decreased annual (non-hour) costs by \$7,800.
- Notice of Action, March 2011: Addition of two forms for new participants in the PPH pilot program (Israeli Patent Office and IMPI) and revisions to make PPH Canada a permanent program. Increased burden by 200 responses and 400 hours.
- Notice of Action, June 2011: Addition of six forms for new participants in the PPH (SIPO, INPI, and TIPO) and PCT-PPH (PRV, NPI, and SIPO) pilot programs. Increased burden by 600 responses and 1,200 hours.

Changes from the 60-Day *Federal Register* Notice

The USPTO is adding two forms to this collection that were developed after July 8, 2011, for two new PPH pilot program participants: the Norwegian Industrial Property Office (NIPO) starting November 1, 2011, and the Icelandic Patent Office (IPO) starting December 1, 2011.

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.

The net result of these changes is that the total annual responses for this collection have been increased from what was reported in the 60-Day *Federal Register* Notice, from 3,700 to 3,900, and the total burden hours have been increased from 7,400 to 7,800. In addition, the total annual respondent cost burden has been increased from \$2,405,000 to \$2,652,000 due to the additional burden hours and the updated attorney rate.

Change in Respondent Cost Burden

The total respondent cost burden has increased by \$1,838,250, from \$813,750 to \$2,652,000, from the submission of this collection that was approved in January 2009, due to:

- **Increases in estimated hourly rates.** The submission approved in January 2009 used an estimated rate of \$310 per hour for attorneys to prepare the items in this collection. For the current renewal, the USPTO is using an updated rate of \$340 per hour for attorneys.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 2,625 in the January 2009 approval to 7,800 for the current renewal due to increases in the estimated total 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 200 (from 3,700 to 3,900) and the total burden hours will increase by 400 (from 7,400 to 7,800) from the currently approved burden for this collection. These changes are due to the following program changes:

- **Increase of 100 estimated annual responses** for adding the Request for Participation in the PPH Pilot Program Between the Norwegian Industrial Property Office (NIPO) and the USPTO (PTO/SB/20NO); a **burden increase of 200 hours**.
- **Increase of 100 estimated annual responses** for adding the Request for Participation in the PPH Pilot Program Between the Icelandic Patent Office (IPO) and the USPTO (PTO/SB/20IS); a **burden increase of 200 hours**.

Changes in Annual (Non-hour) Costs

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

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. Exceptions 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.