

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Admission to Practice and Roster of Registered Patent
Attorneys and Agents Admitted to Practice Before the
United States Patent and Trademark Office (USPTO)
OMB CONTROL NUMBER 0651-0012
July 2013

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0012, Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the United States Patent and Trademark Office (USPTO). The USPTO is proposing to update the current enrollment forms to provide more clarity and to collect E-mail information.

35 U.S.C. § 2(b)(2)(D) permits the USPTO to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and have the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

The USPTO administers the statute through 37 CFR 1.21, 10.14, 10.170, 11.5-11.14 and 11.28. These rules address the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered attorney or agent before the USPTO. The Office of Enrollment and Discipline (OED) collects information to determine the qualifications of individuals entitled to represent applicants before the USPTO in the preparation and prosecution of applications for a patent. The OED also collects information to administer and maintain the roster of attorneys and agents registered to practice before the USPTO. Information concerning registered attorneys and agents is published by the OED in a public roster that can be accessed through the USPTO Web site.

Summary of Changes

The USPTO is not collecting any new information but is enhancing the forms we already have (PTO 158 and PTO 107) by updating the information and creating a few new versions with existing information to clarify content.

Enrollment Forms and Change of Address Form

The USPTO is proposing to update the current Enrollment forms to include (1) Primary E-mail and (2) Secondary E-mail after the Correspondence/Business or Daytime Area Code and Phone Number on the following forms:

1. Change of Address for Registered Patent Attorneys and Agents.
2. PTO-158 – Application for Registration to Practice before the United States Patent and Trademark Office.
3. PTO-158-A - Application for Registration to Practice before the United States Patent and Trademark Office under 37 CFR 11.6(c) by a Foreign Resident.

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4. PTO-158T - Application for Registration to Practice before the United States Patent and Trademark Office under 37 CFR 11.14(c) by a Foreign Resident.

Data Sheet and Reinstatement Data Sheet – Register of Patent Attorneys and Agents

The USPTO is proposing to update the current Data and Reinstatement Data Sheets as follows:

Form PTO 107A Data Sheet – Register of Patent Attorneys and Agents:

1. Add the Primary E-mail and Secondary E-mail after the Correspondence/Business or Daytime Area Code & Phone Number.
2. Change #1 from “Do you wish to remain on the register?” to Citizenship (country). (Identifying citizenship has previously been in place on Form PTO 158 but not on the Data Sheet.)
3. Add 1a to read Date of Birth (month, day, and year). (Identifying date of birth has previously been in place on Form PTO 158 but not on the Data Sheet.)
4. Delete “(If No, do not complete Items 2 through 7. Sign, date and return this Data Sheet.)”

Form PTO 107R Reinstatement Data Sheet – Register of Patent Attorneys and Agents:

1. The Reinstatement Data Sheet form number should be changed from 107A to 107R.
2. Add 1a to read Citizenship (country). (Identifying citizenship has previously been in place on Form PTO 158 but not on the Data Sheet.)
3. Add 1b to read Date of Birth (month, day, and year). (Identifying date of birth has previously been in place on Form PTO 158 but not on the Data Sheet.)
4. Add the Primary E-mail and Secondary E-mail after the Correspondence/Business or Daytime Area Code & Phone Number.

Form PTO 107RR Reinstatement/Restoration:

The form used to reinstate and/or restore practitioners to the roster is Form 107A. To update as follows:

1. The Reinstatement/Restoration Data Sheet Form number should be changed from 107A to 107RR.
2. Add 1a to read Citizenship (country). (Identifying citizenship has previously been in place on Form PTO 158 but not on the Data Sheet.)
3. Add 1b to read Date of Birth (month, day, and year). (Identifying date of birth has previously been in place on Form PTO 158 but not on the Data Sheet.)
4. Add the Primary E-mail and Secondary E-mail after the Correspondence/Business or Daytime Area Code & Phone Number.

Form PTO 107S Survey - Data Sheet – Register of Patent Attorneys and Agents:

1. The Survey Data Sheet form number should be changed from 107A to 107S.
2. Add 1a to read Citizenship (country). (Identifying citizenship has previously been in place on Form PTO 158 but not on the Data Sheet.)
3. Add 1b to read Date of Birth (month, day, and year). (Identifying date of birth has previously been in place on Form PTO 158 but not on the Data Sheet.)

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4. Add the Primary E-mail and Secondary E-mail after the Correspondence/Business or Daytime Area Code & Phone Number.

Changes in Burden

There is no expected change in the burden estimates, as this information is currently submitted and collected and, therefore, was taken into consideration with the existing burden information. The new forms are simply being entered into the collection inventory.