

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
April 2014

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 forms to change how and where it references existing laws and regulations.

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 Part 11 of the USPTO Regulations set out in Title 37 of the Code of Federal Regulations, which requires that an applicant for registration shall not knowingly make a false statement of material fact or fail to cooperate with the Office of Enrollment and Discipline in an investigation (37 CFR § 11.801).

Summary of Changes

The USPTO is not collecting any new information but is providing more precise language on the already approved form PTO 158.

The USPTO is proposing to update PTO 158 as follows:

1. Change “Failure to disclose the requested information may result in denial of registration or in disciplinary proceedings under 37 CFR § 10.22, should you become registered.” to “Failure to disclose the requested information may result in denial of registration or in disciplinary proceedings, should you become registered. See 37 CFR §§ 11.7(a)(2)(ii), 11.19, and 11.801.”

Changes in Burden

There is no expected change in the burden estimates, as the collection of information itself is not being changed. The language of the instructions for completing the document is only being made clearer.