

SUPPORTING STATEMENT
United States Patent and Trademark Office
Representative and Address Provisions
OMB CONTROL NUMBER 0651-0035
(November 2014)

A. JUSTIFICATION

1. Necessity of Information Collection

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for an application, patent, or reexamination proceeding, and for a registered practitioner to withdraw as attorney or agent of record. This collection also includes the information necessary to change the correspondence address for an application, patent, or reexamination proceeding, to request a Customer Number and manage the correspondence address and list of practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents or applications by using a Customer Number.

Under 35 U.S.C. 2 and 37 CFR 1.31– 1.36, the applicant for patent or the assignee of the entire interest of the applicant (for an application filed before September 16, 2012, or for a patent which issued from an application filed before September 16, 2012), or the applicant for patent or the patent owner (for an application filed on or after September 16, 2012, or for a patent which issued from an application filed on or after September 16, 2012), may grant power of attorney to one or more joint inventors or a person who is registered to practice before the USPTO to act for them in an application or a patent. A power of attorney may also be revoked, and a registered practitioner may also withdraw as attorney or agent of record under 37 CFR 1.36. The rules of practice (37 CFR 1.33) also provide for a practitioner of record (a practitioner not of record may do so if named in the transmittal papers accompanying the original application and if an oath or declaration by any of the inventors has yet to be filed), all of the applicants, or an assignee (for an application filed before September 16, 2012), or a practitioner of record (a practitioner not of record who acts in a representative capacity may do so if named in the application transmittal papers and if any power of attorney has yet to be appointed) or the applicant (for an application filed on or after September 16, 2012), to supply a correspondence address and daytime telephone number for receiving notices, official letters, and other communications from the USPTO. The USPTO's Customer Number practice permits applicants, patent owners, assignees, and practitioners of record to change the correspondence address of a patent application or patent, or the representatives of record for a number of patents or applications with one change request instead of filing separate requests for each patent or application. Customers may request a Customer Number from the USPTO and associate this Customer Number with a correspondence address or a list of registered practitioners. Any changes to the address or practitioner information associated with a Customer Number will be applied to all patents and applications associated with said Customer Number.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent or application without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. The PAIR system gives authorized individuals secure online access to application status information, but only for patent applications that are linked to a Customer Number. Customer Numbers may be associated with U.S. patent applications as well as international Patent Cooperation Treaty (PCT) applications. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners or to establish a separate “fee address” for maintenance fee purposes that is different from the correspondence address for a patent or application.

Customers may use a Customer Number Upload Spreadsheet to designate or change the correspondence address or fee address for a list of patents or applications by associating them with a Customer Number. The Customer Number Upload Spreadsheet may not be used to change the power of attorney for patents or applications. Customers may download a Microsoft Excel template with instructions from the USPTO Web site to assist them in preparing the spreadsheet in the proper format.

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

Table 1: Information Requirements for Representative and Address Provisions

	Requirement	Statute	Rule
1	Power of Attorney	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.510, and 1.915
2	Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.36(a)
3	Withdrawal as Attorney or Agent	35 U.S.C. § 2	37 CFR 1.36(b)
4	Authorization to Act in a Representative Capacity	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.34
5	Petition to Grant or Revoke Power of Attorney by Fewer than All the Applicants	35 U.S.C. § 2	37 CFR 1.17(h), 1.32(b)(4), 1.36(a)
6	Change of Correspondence Address	35 U.S.C. §§ 2, 304, and 314	37 CFR 1.33
7	Request for Customer Number or Customer Number Data Change	35 U.S.C. § 2	37 CFR 1.32 and 1.33
8	Customer Number Upload Spreadsheet	35 U.S.C. § 2	37 CFR 1.33 and 1.363

	Requirement	Statute	Rule
9	Request to Update a PCT Application with a Customer Number	35 U.S.C. § 2	37 CFR 1.33

2. Needs and Uses

The public uses this information collection to grant or revoke power of attorney, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to change a correspondence address, to request a Customer Number, and to change the data associated with a Customer Number. This collection is necessary so that the USPTO knows who is authorized to take action in an application, patent, or reexamination proceeding and where to send correspondence regarding an application, patent, or reexamination proceeding.

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 Representative and Address Provisions

	Form and Function	Form #	Needs and Uses
1	Power of Attorney to Prosecute Applications Before the USPTO	PTO/SB/80	<ul style="list-style-type: none"> Used by an assignee to appoint an attorney or agent in all applications in which the assignee is the assignee of record of the entire interest and to change the correspondence address for the applications. Used by the USPTO to determine who is authorized to act on behalf of the assignee and to change the correspondence address for the applications.

	Form and Function	Form #	Needs and Uses
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81	<ul style="list-style-type: none"> Used by an applicant or assignee of record of the entire interest in an application to appoint an attorney or agent and to change the correspondence address for the identified application. Used by an applicant or assignee of record of the entire interest in an application to revoke all previous powers of attorney in an application, to grant a new power of attorney, and to change the correspondence address for the identified application. Used by the USPTO to determine who is authorized to act on behalf of the applicant or assignee, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified application.
2	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81A	<ul style="list-style-type: none"> Used by an inventor or patent owner to appoint an attorney or agent and to change the correspondence address for the identified patent. Used by an inventor or patent owner to revoke all previous powers of attorney in a patent, to grant a new power of attorney in the patent, and to change the correspondence address for the identified patent. Used by the USPTO to determine who is authorized to act on behalf of the inventor or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified patent.
2	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81B	<ul style="list-style-type: none"> Used by an inventor or patent owner to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding. Used by an inventor or patent owner to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney, and to change the correspondence address in the reexamination proceeding. Used by the USPTO to determine who is authorized to act on behalf of the inventor or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
2	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81C	<ul style="list-style-type: none"> Used by a third party requester to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding. Used by a third party requester to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney, and to change the correspondence address in the reexamination proceeding. Used by the USPTO to determine who is authorized to act on behalf of a third party requester, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
3	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	PTO/SB/83	<ul style="list-style-type: none"> Used by a practitioner to withdraw as the attorney or agent of record for an application and to change the correspondence address for the identified application. Used by the USPTO to process the withdrawal request and to change the correspondence address for the identified application.

	Form and Function	Form #	Needs and Uses
4	Authorization to Act in a Representative Capacity	PTO/SB/84	<ul style="list-style-type: none"> Used by a practitioner of record to indicate that another registered practitioner has authority to take action in an application without granting a power of attorney to the named practitioner. Used by the USPTO to determine who is authorized to take action in an application.
5	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> Used by an applicant or assignee to request that power of attorney in an application be allowed to be revoked by fewer than all the applicants or assignees of the entire interest. Used by the USPTO to determine whether the request to revoke power of attorney should be granted.
5	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> Used by an applicant or assignee to request that power of attorney in an application be allowed to be granted by fewer than all the applicants or assignees of the entire interest. Used by the USPTO to determine whether the request to grant power of attorney should be granted.
6	Change of Correspondence Address – Application Change of Correspondence Address – Patent	PTO/SB/122 PTO/SB/123	<ul style="list-style-type: none"> Used by an applicant, assignee, or practitioner of record to change the correspondence address of a single application to either a specified correspondence address or the correspondence address associated with a specified Customer Number. Used by a patentee, assignee, or practitioner of record to change the correspondence address of a single patent to either a specified correspondence address or the correspondence address associated with a specified Customer Number. Used by the USPTO to process a request to change the correspondence address for an application or patent.
6	Patent Owner Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123A	<ul style="list-style-type: none"> Used by a practitioner of record or patent owner to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number. Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.
6	Third Party Requester Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123B	<ul style="list-style-type: none"> Used by a third party requester or practitioner of record for a third party requester to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number. Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.
7	Request for Customer Number Data Change	PTO/SB/124	<ul style="list-style-type: none"> Used by the applicant, assignee, practitioner of record, or third party requester to change the correspondence address or list of registered practitioners associated with an existing Customer Number. Used by the USPTO to process a request for a Customer Number data change.

	Form and Function	Form #	Needs and Uses
7	Request for Customer Number	PTO/SB/125	<ul style="list-style-type: none"> Used by the public to request a Customer Number and associate a correspondence address or list of registered practitioners with that Customer Number. Used by the USPTO to assign new Customer Numbers and associate a specified address and a list of registered practitioners with a new Customer Number.
8	Customer Number Upload Spreadsheet	None	<ul style="list-style-type: none"> Used by an applicant, assignee, practitioner of record, or third party requester to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings by using a Customer Number. Used by the USPTO to process a request to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings.
9	Request to Update a PCT Application with a Customer Number	PTO-2248	<ul style="list-style-type: none"> Used by an applicant to associate an already established PCT paper application with an existing Customer Number. Used by the USPTO to process a request to associate an existing PCT application with a Customer Number.

3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

Customers may submit a batch request in spreadsheet format to designate or change the correspondence address or fee address for a list of patents, applications, or reexamination proceedings by associating them with a Customer Number. The Customer Number Upload Spreadsheet file must be submitted to the USPTO on a computer-readable diskette or compact disc (CD) with a signed cover letter requesting entry of the address changes. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO Web site to assist them in preparing the spreadsheet in the proper format. At this time, the USPTO has no plans to allow electronic submission of the Customer Number Upload Spreadsheets. Use of the Customer Number Upload Spreadsheet reduces the chance of errors and ensures that the USPTO avoids changing the address data for the wrong patent, application, or reexamination proceeding.

The other items in this collection may be submitted to the USPTO online through EFS-Web. EFS-Web is the USPTO's web-based patent application and document submission system that 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. For one item in this collection, the Request for Withdrawal as Attorney or Agent, the customer may choose to enter the information directly into the EFS-Web interface screens instead of using the PDF form. 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.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgment receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

4. Efforts to Identify Duplication

This information is collected only when a respondent grants or revokes power of attorney in an application, withdraws as attorney of record, changes a correspondence address or fee address, requests a Customer Number, or changes data associated with a Customer Number. This information is not collected elsewhere. However, if a customer submits Customer Number forms containing a large amount of data, such as associating Customer Number data with a large number of patents or applications, the USPTO may in some cases contact the customer and request that the data be resubmitted using the Customer Number Upload Spreadsheet format in order to facilitate accurate uploading of the data into USPTO databases.

Additionally, the Customer Number Upload Spreadsheet instructs the user to provide both the Customer Number and the correspondence address associated with the Customer Number. This correspondence address is already on file with the Customer Number, but the USPTO requests this information in order to verify that the Customer Number submitted is correct for associating the patents and applications listed on the spreadsheet.

5. Minimizing Burden to Small Entities

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

6. Consequences of Less Frequent Collection

This information is collected only when an applicant, assignee, or practitioner of record submits an application, or when an applicant, assignee, practitioner of record, or third party requester designates or changes their representative or correspondence address, or requests a Customer Number. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not know who is authorized to take action in an application, patent, or reexamination proceeding and could not communicate with the applicant, assignee, practitioner of record, third party requester or authorized representative concerning the application, patent, or reexamination proceeding.

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 September 4, 2014 (79 Fed. Reg. 52634). The comment period ended on November 3, 2014. One commenter (a partner at a private firm) responded to the September 4, 2014 60-Day Notice. The USPTO's response to the comment follows.

Comment: The commenter indicated that the USPTO has underestimated the time required to gather the necessary information, prepare the appropriate form, and submit it to the USPTO in connection with the following nine items in this collection:

- Power of Attorney to Prosecute Applications Before the USPTO (PTO/AIA/80 and PTO/SB/80);
- Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/AIA/81/82A/82B and PTO/SB/81);
- Patent—Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A);
- Reexamination—Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/AIA/81B and PTO/SB/81B);

- Reexamination—Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C);
- Authorization to Act in a Representative Capacity (PTO/SB/84);
- Patent Owner Change of Correspondence Address—Reexamination Proceeding (PTO/SB/123A); and
- Third Party Requester Change of Correspondence Address—Reexamination Proceeding (PTO/SB/123B).

The commenter also indicates that the USPTO has failed to take into consideration the amount of time it takes attorneys to review and sign the forms prepared by paraprofessionals.

Response: The USPTO notes the concern expressed by the commenter regarding the time required to gather the necessary information, prepare the appropriate form, and submit it to the USPTO for each of the nine items in this collection identified by the commenter. The basis for the commenter's concern seems to be, at least in part, due to the commenter's understanding that for each particular iteration of gathering, preparing and submitting a form, the respondent will need to visit the USPTO Web site and select the appropriate form as though it were the first time the respondent has ever undertaken the particular activity. For the present analysis, however, the USPTO must take into consideration not only those respondents who are submitting, e.g., a Power of Attorney, for the first time, but also those respondents who have significant experience submitting Powers of Attorney. Nevertheless, in response to the commenter's concern, the USPTO in this Supporting Statement has revised its estimates for the amount of time required to gather the necessary information, prepare the appropriate form, and submit it to the USPTO for each of the nine items in this collection identified by the commenter, as shown in greater detail at Table 3 below. The USPTO has also revised its estimates for these items to take into account the estimated time proposed by the commenter for an attorney to review and sign the forms.

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 this information collection.

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. For secure electronic access to PAIR, the USPTO employs digital certificates and 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. The entire file of a reexamination proceeding is available to the public.

11. Justification for 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 560,595 responses per year for this collection, with approximately 25% of these responses submitted by small entities.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately 3 minutes (0.05 hours) to 1.5 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed request to the USPTO.
- **Cost Burden Calculation Factors**
The USPTO uses a professional rate of \$389 per hour for respondent cost burden calculations, which is the median rate for attorneys in private firms as shown in the 2013 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

The USPTO uses a paraprofessional rate of \$125 per hour for respondent cost burden calculations, which is the average rate for paralegals as shown in the 2013 *National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

The estimated costs for preparing Requests for Withdrawal as Attorney or Agent (PTO/SB/83) and the two petitions in this collection are based on the professional

rate, while the costs for the remaining items are based on the paraprofessional rate.

Table 3: Burden Hour/Burden Cost to Respondents for Representative and Address Provisions

	Item	Hours (a)	Response s (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.25	4,000	1,000	\$125.00	\$125,000.00
		0.05	4,000	200	\$389.00	
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.25	400,000	100,000	\$125.00	\$12,500,000.00
2	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A)	0.25	1,000	250	\$125.00	\$31,250.00
2	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B)	0.25	300	75	\$125.00	\$9,375.00
2	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C)	0.25	75	18.75	\$125.00	\$2,343.75
3	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.25	800	200	\$389.00	\$62,240.00
4	Authorization to Act in a Representative Capacity (PTO/SB/84)	0.25	1,000	250	\$125.00	\$31,250.00
5	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1.00	10	10	\$389.00	\$3,890.00
5	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1.00	10	10	\$389.00	\$3,890.00
6	Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.25	140,000	35,000	\$125.00	\$4,375,000.00
6	Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A)	0.25	100	25	\$125.00	\$3,125.00
6	Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B)	0.25	100	25	\$125.00	\$3,125.00
7	Request for Customer Number Data Change (PTO/SB/124)	0.20	2,000	400	\$125.00	\$50,000.00
7	Request for Customer Number (PTO/SB/125)	0.20	9,000	1,800	\$125.00	\$225,000.00
8	Customer Number Upload Spreadsheet	1.50	1,000	1,500	\$125.00	\$187,500.00
9	Request to Update a PCT Application with a Customer Number (PTO-2248)	0.25	1,200	300	\$125.00	\$37,500.00

	Item	Hours (a)	Response s (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
	Totals	.....	0	0	.....	0

13. Total Annual (Non-hour) Cost Burden

The total (non-hour) respondent cost burden for this collection is estimated to be \$58,976 per year, which includes \$8,000 in filing fees and \$50,976 in postage.

Filing Fees

The two petitions in this collection have associated filing fees under 37 CFR 1.17(f), for a total of \$8,000 per year:

- 10 Petitions Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants at \$400 each: \$4,000
- 10 Petitions to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants at \$400 each: \$4,000

Postage Costs

Two types of non-electronic submissions have associated first-class postage costs when submitted by mail, for a total of \$50,976 per year:

- 55,962 non-electronic responses (not including Customer Number Upload Spreadsheets) at \$0.88 postage: \$ 49,246
- 1,000 Customer Number Upload Spreadsheets at \$1.73 postage: \$1,730

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-5, step 1 employee approximately 3 to 15 minutes (0.05 to 0.25 hours) to process the information in this collection, except for the Customer Number Upload Spreadsheet. The USPTO estimates that the cost of a GS-5, step 1 employee is \$21.23 per hour (GS hourly rate of \$16.33 with 30% (\$4.90) added for benefits and overhead).

The USPTO estimates that it takes about 25 minutes (0.42 hours) to process the Customer Number Upload Spreadsheet. The spreadsheets are currently processed by contractors at an average estimated cost of \$28.44 per hour.

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

Table 4: Burden Hour/Cost to the Federal Government for Representative and Address Provisions

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.25	4,000	1,000	\$21.23	\$21,230.00
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.25	400,000	100,000	\$21.23	\$2,123,000.00
2	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A)	0.25	1,000	250	\$21.23	\$5,307.50
2	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B)	0.25	300	75	\$21.23	\$1,592.25
2	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C)	0.25	75	18.75	\$21.23	\$398.0625
3	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.25	800	200	\$21.23	\$4,246.00
4	Authorization to Act in a Representative Capacity (PTO/SB/84)	0.25	1,000	250	\$21.23	\$5,307.50
5	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1.0	10	10	\$21.23	\$212.30
5	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1.0	10	10	\$21.23	\$212.30
6	Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.25	140,000	35,000	\$21.23	\$743,050.00
6	Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A)	0.25	100	25	\$21.23	\$530.75
6	Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B)	0.25	100	25	\$21.23	\$530.75
7	Request for Customer Number Data Change (PTO/SB/124)	0.20	2,000	400	\$21.23	\$8,492.00
7	Request for Customer Number (PTO/SB/125)	0.20	9,000	1,800	\$21.23	\$38,214.00
8	Customer Number Upload Spreadsheet	0.42	1,000	420	\$28.44	\$11,944.80
9	Request to Update a PCT Application with a Customer Number (PTO-2248)	0.25	1,200	300	\$21.23	\$6,369.00
	Totals	.....	560,595	139,783.8	.....	021

15. Summary of Changes in Burden Since the Previous Renewal

Changes from the 60-Day Federal Register Notice

Comments were received on 9/4/2014 claiming that the hourly burden for several items is more accurately stated as 15 minutes (0.25 hours) instead of 3 minutes (0.05 hours). Accordingly, upon further review, the forms were updated to reflect the new hourly burden, and the new total hourly burden is 140,863.8 hours, increased from 31,509 hours.

Change in Respondent Cost Burden

The total respondent cost burden has increased by \$13,480,129 from \$4,170,360 to \$17,650,489, from the previous renewal of this collection in November 2011, due to:

- **Increases in estimated hourly rates.** The 2011 renewal used an estimated rate of \$340 per hour for attorneys to prepare the Request for Withdrawal as Attorney or Agent (PTO/SB/83) and the petitions, and an estimated rate of \$122 per hour for paraprofessionals to prepare the other items in the collection. For the current renewal, the USPTO is using updated rates of \$389 per hour for attorneys and \$125 per hour for paraprofessionals.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 33,867 in the 2011 renewal to 140,863.8 for the current renewal due largely to increases in the burden required by respondents to complete each individual form (3 minutes to 15 minutes).

Changes in Responses

For this renewal, the USPTO estimates that the total annual responses will decrease by 31,720 (from 592,315 to 560,595) and the total burden hours will increase by 106,996.8 (from 33,867 to 140,863.8) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- **Increase of 400 estimated annual responses** for the Power of Attorney to Prosecute Application. Before the USPTO (PTO/SB/80) from 3,600 to 4,000.
- **Decrease of 33,000 estimated annual responses** for the Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81) from 433,000 to 400,000.
- **Increase of 500 estimated annual responses** for the Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A) from 500 to 1,000.

- **Decrease of 100 estimated annual responses** for the Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B) from 400 to 300.
- **Decrease of 25 estimated annual responses** for the Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C) from 100 to 75.
- **Increase of 40 estimated annual responses** for the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) from 760 to 800.
- **Decrease of 400 estimated annual responses** for the Authorization to Act in a Representative Capacity (PTO/SB/84) from 1,400 to 1,000.
- **Decrease of 5 estimated annual responses** for the Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants and the Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants, from 15 to 10.
- **No change in estimated annual responses** for the Change of Correspondence Address forms for Applications and Patents (PTO/SB/122 and PTO/SB/123) from 140,000 to 140,000.
- **Decrease of 30 estimated annual responses** for the Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A) from 130 to 100.
- **Increase of 10 estimated annual responses** for the Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B) from 90 to 100.
- **Decrease of 400 estimated annual responses** for the Request for Customer Number Data Change (PTO/SB/124A/124B) from 2,400 to 2,000.
- **Increase of 1,900 estimated annual responses** for the Request for Customer Number (PTO/SB/125A/125B) from 7,100 to 9,000.
- **Decrease of 700 estimated annual responses** for the Customer Number Upload Spreadsheet from 1,700 to 1,000.
- **Increase of 100 estimated annual responses** for the Request to Update a PCT Application with a Customer Number (PTO-2248) from 1,100 to 1,200.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will change from \$64,916 to \$58,976.

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. Exception 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.