

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patent and Trademark Resource Centers Metrics**  
**OMB CONTROL NO. 0651-0068**  
**(January 2015)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) first started its network of libraries in 1871 when federal statute (35 U.S.C. 12) first provided for the distribution of printed patents to libraries for use by the public. As designated by the USPTO these libraries (previously known as Patent and Trademark Depository Libraries) receive and house copies of U.S. patents and patent and trademark materials, make them freely available to the public, and actively disseminate patent and trademark information.

The USPTO has undertaken a revitalization of the Patent and Trademark Depository Library Program to reflect the new 21<sup>st</sup> Century electronic approach to customer services. As a part of this revitalization, the name has changed to Patent and Trademark Resource Center Program and the nationwide network of libraries are known as Patent and Trademark Resource Centers (PTRCs). The PTRCs include academic, public, and state libraries and one special research library. These centers provide services to a variety of customers, including inventors, intellectual property attorneys and agents, business people, researchers, entrepreneurs, students, and historians.

Recognition as a PTRC is authorized under the provisions of 35 U.S.C. § 2(a)(2), which provides that the USPTO shall be responsible for disseminating to the public information with respect to patent and trademarks. In order to be designated as a PTRC, libraries must fulfill the following requirements:

- assist the public in the efficient use of patent and trademark information resources;
- provide free access to patent and trademark resources provided by the USPTO;
- provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO;
- provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and
- send representatives to attend the USPTO-hosted PTRC training seminars.

Since the PTRC requirements stipulate that the participating libraries must submit information (metrics) in order to be designated as a PTRC, the USPTO is submitting this information collection for review under the PRA. The information collected will enable the USPTO to more effectively train the PTRC staff who, in turn, provide assistance and training to public customers in the areas of patent and trademarks. As the PTRCs continue to move away from the physical distribution of hard copy information, the USPTO is interested in what types of new and different services the PTRC of the future should offer its customers. Collection of this information will enable the USPTO to more effectively service its current customers while planning for the future.

The USPTO has developed a questionnaire to collect the metrics concerning the use of the patent and trademark services and the public outreach efforts from the libraries. On the USPTO’s behalf, the metrics will be collected on a quarterly basis through a third-party vendor. The information will only be collected electronically. The PTRCs will be given a password to input their information.

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

**Table 1: Information Requirements for Patent and Trademark Resource Centers (PTRCs) Metrics**

Requirement	Statute	Rule
Patent and Trademark Resource Centers (PTRCs) Metrics	35 U.S.C. § 2 (a)(2)	N/A

## 2. Needs and Uses

This information collection only has one form, an electronic questionnaire developed by the USPTO to collect metrics concerning the use of patent and trademark services and public outreach efforts from PTRC network libraries.

The information collected, maintained and used in this collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the OMB information quality guidelines.

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

**Table 2: Needs and Uses for Patent and Trademark Resource Centers (PTRCs) Metrics**

Form and Function	Form #	Needs and Uses
PTRC Metric Worksheet	Electronic Worksheet (No Form Number)	<ul style="list-style-type: none"> <li>• Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the public's use of the member library's patent and trademark services.</li> <li>• Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the member library's public outreach efforts.</li> <li>• Used by the USPTO to more effectively train the PTRC staff.</li> <li>• Used by the USPTO to determine what types of new and different services that the PTRCs should provide in the future.</li> </ul>

### 3. Use of Information Technology

The metrics will only be collected electronically from the PTRCs, using the electronic worksheet developed by the USPTO. The metrics will be collected on the USPTO's behalf by a third-party vendor. The PTRCs will be given a password via e-mail to input their information.

The metrics are automatically tabulated by the vendor software. A government employee who is a member of the PTRC program office staff will be responsible for downloading the tabulated metrics. This employee and the program manager will have access to the information. The information will be kept by the vendor until deleted by the program office. The downloaded information will be kept according to the agency's record retention guidelines.

The revitalization of the Patent and Trademark Depository Library Program into the PTRCs highlights a major shift in focus from the "paper depository" concept to an expansion of access to electronic information and specialized training to meet the information needs of 21<sup>st</sup> century patent and trademark customers. A wide range of information is available electronically at the PTRCs, such as currently issued U.S. patents, procedural manuals, and electronic patent and trademark search products, to name just a few examples. The PTRCs also provide web-based tutorials on various topics, such as how to conduct a preliminary U.S. patent search.

### 4. Efforts to Identify Duplication

This information is collected from the PTRCs on a quarterly basis. It does not duplicate information or collection of data found elsewhere.

### 5. Minimizing the Burden to Small Entities

The PTRCs are not considered small entities so this section does not apply.

### 6. Consequences of Less Frequent Collection

The USPTO is collecting this information on a quarterly basis from the PTRCs in order to more effectively train the PTRC staff and to determine what types of new and different services the PTRCs should offer their customers in the future. This information

is not collected elsewhere. If this information were not collected quarterly, the USPTO would not be able to obtain data necessary to meet the needs of its patent and trademark customers.

## **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 published on November 17, 2014 (77 Fed. Reg. 27139). The public comment period ended on January 16, 2015. One public comment was received.

The comment received suggested that the USPTO's time calculations underestimated the actual amount of time needed by respondents for completion. The comment claimed that 90 minutes, rather than the allotted 30 minutes, are necessary to complete the forms. In asserting this, the comment noted that data for these forms is collected from a wide range of statistical packages using several methods. Our respondents vary widely in the means and methods they obtain this information. While this respondent requires more time, other respondents have previously indicated that they take less time. We appreciate this respondent's feedback, but are not yet ready to increase the overall estimate. The USPTO regularly reviews its time burden estimates, using available historical data, Agency expertise, and stakeholder feedback.

The USPTO has long-standing relationships with groups from whom patent and trademark information is collected, such as the American Intellectual Property Law Association (AIPLA) and the Patent and Trademark Resource Center Association, as well as patent bar associations, 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 is not required in either the collection or processing of the metric information.

## **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 336 responses to this information collection per year, with approximately 84 libraries reporting their metrics once per quarter. All responses are submitted electronically.
- Burden Hour Calculation Factors**  
 The USPTO estimates that it takes the public approximately 30 minutes (0.50 hours) to complete the worksheet. This includes the time to gather the necessary information, prepare the worksheet, and submit it to the USPTO.
- Cost Burden Calculation Factors**  
 The USPTO expects that librarians will supply the information in this collection, at an estimated hourly rate of \$29.81. This is the median hourly wage for college librarians as reported in 2013 by the Bureau of Labor Statistics (25-4021 Librarians).

**Table 3: Burden Hour/Burden Cost to Respondents for Patent and Trademark Resource Centers Metrics**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
PTRC Metric Worksheet	0.50	(84 x 4) = 336	168	\$29.81	\$5,008.08
<b>Total</b>	- - - -	<b>336</b>	<b>168</b>	- - - -	<b>\$5,008.08</b>

## 13. Total Annualized Cost Burden

There are no annualized (non-hour) costs associated with this information collection. This collection is submitted electronically and therefore there are neither postage nor other transaction costs associated with this collection.

## 14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-13 step 9 three minutes (0.05 hours) to process a worksheet. The current hourly rate for a GS-13 step 9 is \$55.12 (source: U.S. Office of Personnel Management, Washington, D.C. locality salary table). When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-13, step 9 is \$71.66 (\$55.12 + \$16.54).

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 4: Annual Burden Hour/Burden Cost to the Federal Government**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
PTRC Metric Worksheet	.05	(84 x 4) = 336	16.8	\$71.66	\$1,203.89
<b>Total</b>	- - - - -	<b>336</b>	<b>16.8</b>	- - - - -	<b>\$1,203.89</b>

The USPTO’s total estimated cost for processing the information in this collection is **\$1,203.89** per year.

**15. Reason for Change in Burden**

Summary of Changes Since the Previous Renewal

- The number of respondents in this renewal is estimated at 84. This is an increase of 3 respondents from the previous estimate of 81.
- The number of responses in this renewal is 336. This is an increase of 12 responses from the previous estimate of 324.
- The hourly cost burden in this renewal is \$5,008.08. This is an increase of \$634.08 from \$4,374.00.
- The federal cost burden in this renewal is \$1,160.89. This is an increase of \$36.89 from \$1,124.00.

Changes in Number of Responses

**Increase in Number of Respondents:** It is estimated that 84 respondents will participate in this collection, which marks an increase of 3 from the 81 respondents in the previous submission of this collection. As responses are submitted quarterly by respondents, this increase also caused the number of responses to increase, from 324 in the previous submission of this collection to 336 in the current submission.

Changes to Hourly Cost Burden

**Increase in Salary Costs:** This collection expects that the information will be provided by college librarians. The estimated wages for college librarians has increased since the previous renewal; from \$27 to 29.81. As a result, the estimated hourly cost burden for collecting and reporting the information has also increased. This increase in wage rate caused the USPTO’s total estimated hourly cost for the information in this collection to rise from \$4,374.00 in the previous submission to \$5,008.08 in the current submission.

Changes to Federal Cost Burden

**Increase in Salary Costs:** This collection requires a GS-13 step 9 employee to process the PTRC Metric Worksheet. The hourly salary for a GS-13 step 9 rose from \$54.04 (\$70.25 when the extra 30 percent is added to account for the fully loaded hourly rate) to \$55.12 (\$71.66 when the extra 30 percent is added to account for the fully loaded hourly rate). This increase in wage rate caused the USPTO's total estimated cost for processing the information in this collection to rise from \$1,124.00 in the previous submission to \$1,160.89 in the current submission.

**16. Project Schedule**

There is no plan to publish this information for statistical use.

**17. Display of Expiration Date of OMB Approval**

The questionnaire 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.