

SUPPORTING STATEMENT
United States Patent and Trademark Office
Public User ID Badging
OMB CONTROL NUMBER 0651-0041
March 2015

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

By statute, the USPTO must maintain the collections arranged to permit searching and retrieval of information. The security and integrity of the files as complete and accurate collections is critical. Destroying, misfiling, or removing documents or subclasses of documents so that others cannot access them seriously damages the integrity of the collection and is a direct violation of 18 U.S.C. § 2071.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access accounts to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access account by completing the application at the Public Search Facility reference desk and providing proper identification. The online access account includes a bar-coded user number and an expiration date. Users may renew their account by validating and updating the required information and may obtain a reprint of the account information providing proper identification.

Under the authority provided in 41 CFR Part 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities.

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

Table 1: Information Requirements

Requirement	Statute	Rule
PKI Certificate Request and Subscriber Agreement	35 U.S.C. §§ 2 and 122, Article 30 of the Patent Cooperation Treaty, and the Government Paperwork Elimination Act	37 CFR 1.14

2. Needs and Uses

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The public uses this information collection to obtain online access accounts, obtain security identification badges for the Public Search Facility and other office areas at the USPTO, or to sign up for user training classes. The applications for online access accounts and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the relevant item. Renewal or replacement of online access accounts or security badges requires the user's information to be verified and updated as necessary. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

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 this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses of Information Collection for Public User ID Badging

IC Number	Information Collection Item	Form #	Needs and Uses
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Issue Online Access Account	PTO-2030	<ul style="list-style-type: none"> Used by the public to request an online access account in order to obtain access the search facility and its online systems. Used by the public to learn the rules of conduct and to agree to follow them. Used by the USPTO to identify the status of any existing online access account for the user. Used by the USPTO to manage the use of the facility and its services.
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Renew Online Access Account	PTO-2030	<ul style="list-style-type: none"> Used by the public to renew an online access account. Used by the public to learn the rules of conduct and to agree to follow them. Used by the USPTO to identify the status of any existing online access account for the user. Used by the USPTO to update the user record.
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Replace Online Access Account Information	PTO-2030	<ul style="list-style-type: none"> Used by the public to replace a lost or forgotten online access account information. Used by the public to learn the rules of conduct and to agree to follow them. Used by the USPTO to identify the status of any existing online access account for the user. Used by the USPTO to update the user record and issue a replacement online access account information printout.

2	User Training Registration Forms	No Form Numbers	<ul style="list-style-type: none"> Used by the public to register for classes in using the online search systems. Used by the USPTO to collect registrations for user training classes.
3	Security Identification Badges for Public Users; Issue Security Identification Badge	PTO-2224	<ul style="list-style-type: none"> Used by the public to request a security identification badge for access to USPTO public facilities. Used by the USPTO to process requests for security identification badges and issue the badge to the user.
3	Security Identification Badges for Public Users; Renew Security Identification Badge	PTO-2224	<ul style="list-style-type: none"> Used by the public to renew a security identification badge for access to USPTO public facilities. Used by the USPTO to process requests to renew security identification badges for public users.
3	Security Identification Badges for Public Users; Replace Security Identification Badge	PTO-2224	<ul style="list-style-type: none"> Used by the public to replace a lost security identification badge. Used by the USPTO to update the user record and issue a replacement security identification badge.

3. Use of Information Technology

Currently, the USPTO does not use automated, electronic, mechanical, or other technologies to obtain the information in this collection. The paper applications for the online access accounts and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the access account or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement security badges and access accounts to be quickly reissued upon confirming the identity of the requestor and updating any changed information as necessary.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer's identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access accounts and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO has no plans to disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO web site, but at this time the USPTO is not collecting the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

4. Efforts to Identify Duplication

This information is collected only when a customer requests an online access account, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed at the USPTO and are not collected elsewhere. Safeguards within the

database software discourage the issuing of multiple online access accounts or security badges to the same person. Replacement online access accounts and security identification badges may be issued upon verifying the user's personal information and updating the database as necessary.

5. Minimizing Burden to Small Entities

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

6. Consequences of Less Frequent Collection

This information is collected only when the public user accesses the public facilities at the USPTO or when the user registers for a training class. The information for the online access accounts and security identification badges is collected only once, on the first visit, and allows subsequent visits while the user's account and badge are valid. Obtaining a security identification badge will allow users to access the public facilities without having to manually sign in each time they enter. Annual renewal of the access account or security badge, or replacement when necessary, requires validating and updating the minimum information as necessary in order to maintain the user records.

If the information for online access accounts and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. Therefore, this collection of information could not be conducted less frequently.

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 November 17, 2014 (79 Fed. Reg. 68414). The public comment period ended on January 16, 2015. 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. Payments or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent.

10. Assurance of Confidentiality

Due to the fact that personal information, such as personal addresses and telephone numbers, is collected, and that a digital photograph of the user is taken and stored in a database, this information collection has been examined under the Privacy Act. An amended Privacy Act System of Records Notice entitled "PAT/TM-14 Users of Public Facilities of the Patent and Trademark Office" for the public user identification system was published in the *Federal Register* on December 28, 1999 (64 Fed. Reg. 72640). An additional Privacy Act System of Records Notice entitled "PAT/TM-18 USPTO Identification and Security Access Control Systems" for security identification badges for individuals who access USPTO facilities was published in the *Federal Register* on December 14, 2004 (69 Fed. Reg. 74502).

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier.

11. Justification for Sensitive Questions

The identifying information being collected is necessary in order to issue a unique online access account for public search facility users and/or a photo identification security badge for access to the public facilities of the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally-stored photographs have become a basic part of all identification badges and have been used for several years in similar systems such as the Reader Identification Card at the Library of Congress. The online access accounts issued by the Public Search Facility and the identification badges issued by the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at the USPTO facilities.

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 5,785 responses per year for this collection, as shown in Table 3 below.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

- **Cost Burden Calculation Factors**

In 2013, the Committee on Economics of Legal Practice of the American Intellectual Property Law Association published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$389 per hour is the median rate for attorneys in private firms as published in that report. In addition to attorneys, the USPTO also expects paraprofessionals with an estimated rate of \$125 per hour to respond to this collection. The USPTO estimates that approximately 1/3 of the users responding to this collection are attorneys and 2/3 are paraprofessionals. Using 1/3 of the professional rate of \$389 per hour for attorneys and 2/3 of the paraprofessional rate of \$125 per hour, the estimated rate for respondents to this collection is approximately \$213 per hour. This is a fully-loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents for Public User ID Badging

IC Number	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b) / 60	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Issue Online Access Account	10	720	120	\$213	\$25,560.00
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Renew Online Access Account	5	616	51.33	\$213	\$10,934.00
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Replace Online Access Account Information	5	75	6.25	\$213	\$1,331.25
2	User Training Registration Forms	5	74	6.17	\$213	\$1,313.50
3	Security Identification Badges for Public Users; Issue Security Identification Badge	5	1,000	83.33	\$213	\$17,750.00
3	Security Identification Badges for Public Users; Renew Security Identification Badge	5	3,200	266.67	\$213	\$56,800.00
3	Security Identification Badges for Public Users; Replace Security Identification Badge	5	100	8.33	\$213	\$1,775.00
	Totals	5,785	542.08	\$115,463.75

13. Total Annualized Cost Burden

1There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of fees and postage costs.

There are no application or renewal fees for online access accounts or security identification badges. However, there is a \$15 fee for issuing a replacement security identification badge. The USPTO estimates that it will reissue approximately 100 security badges annually for those that have been lost or need to be replaced, for a total of \$1,500 per year in replacement fees.

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately four of the estimated 74 training forms received per year will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed training form will be 49 cents, for a total postage cost of \$2 per year for this collection.

The total annual (non-hour) respondent cost burden for this collection in the form of fees (\$1,500) and postage costs (\$2) is estimated to be \$1,502 per year.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-8, step 1 employee approximately five minutes (0.08 hours) to process an application for an online access account, to issue the online access account, to process a renewal or replacement account, or to process a user training registration form. The current hourly rate for a GS-8, step 1 employee is \$22.85. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-8, step 1 employee is \$29.71 ($\$22.85 + \6.86).

The USPTO estimates that it takes a GS-6, step 3 employee approximately five minutes (0.08 hours) to process and issue a new security identification badge for public users. Processing a renewal or replacement badge takes approximately one minute (0.02 hours). The current hourly rate for a GS-6, step 3 employee is \$19.80. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-6, step 3 employee is \$25.74 ($\$19.80 + \5.94).

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 Public User ID Badging

IC Number	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b) / 60	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Issue Online Access Account	5	720	60	\$29.71	\$1,782.60
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Renew Online Access Account	5	616	51.33	\$29.71	\$1,525.11
1	Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities; Replace Online Access Account Information	5	75	6.25	\$29.71	\$185.69
2	User Training Registration Forms	5	74	6.17	\$29.71	\$183.21
3	Security Identification Badges for Public Users; Issue Security Identification Badge	5	1,000	83.33	\$25.74	\$2,145.00
3	Security Identification Badges for Public Users; Renew Security Identification Badge	1	3,200	53.33	\$25.74	\$1,372.80
3	Security Identification Badges for Public Users; Replace Security Identification Badge	1	100	1.67	\$25.74	\$42.90
	Total	-----	5,785	262.08	-----	\$7,237.31

15. Reason for Change in Burden

Change in Burden Estimates Since the 60-Day Federal Register Notice

The 60-Day *Federal Register* Notice published in November 2014 reported that the USPTO estimated it would receive 8,058 responses resulting in 791 burden hours per year. Since that publication there have been recalculations in the number of responses, as well as the removal of an incorrectly-listed Information Collection item, that resulted in a decrease of that number from 8,058 to 5,785. These changes decreased the burden hours by 248.92, resulting in the present 542.08 burden hours being reported for this submission. The USPTO also reported that the respondent cost burden submitting the information would cost approximately \$168,483 per year. Since that publication there have been recalculations in the respondent cost, a decrease of \$53,019.25, resulting in the present figure of \$115,463.75

The 60-Day Federal Register Notice reported total (non-hour) cost burden in the amount of \$1,982. That cost burden is being decreased in this submission by \$480 to \$1,502 due to the removal of a fee that is no longer part of this collection.

Summary of Changes Since the Previous Renewal

This collection was approved by OMB in 2012 with a total of 10,003 responses and 989 burden hours per year. For this renewal, the USPTO estimates that the total annual responses will be 5,785 and the total annual burden hours will be 542.08, which is a decrease of 4,218 responses and 446.92 hours from the currently approved burden for this collection. This net decrease in burden hours is due to program changes and administrative adjustments.

Change in Respondent Cost Burden

This collection was approved by OMB in 2012 with an estimated total respondent cost burden of \$191,866 per year. That submission used an estimated rate of \$194 per hour for respondents based on 1/3 of respondents as attorneys at \$340 per hour and 2/3 of respondents as paraprofessionals at \$122 per hour. For this renewal, the USPTO has updated the estimated rates to \$389 per hour for attorneys and \$125 per hour for paraprofessionals, resulting in a weighted average of \$213 per hour for respondents using the same ratio of attorneys and paraprofessionals from the previous submission. Despite the increased hourly rate, the decrease in number of respondents leads to an overall decrease of \$53,019.25 in total respondent cost burden to \$115,463.75.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will decrease by 4,218, from 10,003 to 5,785 responses per year. Consequently, the USPTO estimates that the total annual burden hours will decrease by 446.92, from 989 to 542.08 hours per year. These changes are due to the following:

- **Decrease of 2,330 responses due to agency discretion:** In this renewal, the Information Collection item titled “Application for Public User ID (Online Access Account) - Conduct in Public Information Facilities” was removed as a standalone IC item and merged with the three IC items pertaining to the issuance, renewal, and replacement of online access accounts in order to remove an instance of redundancy. This adjustment is responsible for a decrease of 2,330 responses and 186 burden hours from the previous renewal.
- **Decrease of 1,888 responses due to agency estimates:** This renewal uses revised numbers in some of its approximations of the number of respondents estimated to submit the items listed in this collection. These new estimates led to a drop in responses for certain IC lines, and are ultimately responsible for a decline of 1,888 responses and a decline of 262 burden hours from the previous renewal.

Changes in Annual (Non-hour) Costs

For this renewal, there are no changes to the annual (non-hour) cost burden from the numbers reported in the collection's previous renewal.

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.

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.

REFERENCES

- A. The USPTO Information Quality Guidelines
- B. Application for Public User ID (Online Access Account) (PTO-2030) and Conduct in Public Information Facilities
- C. User Training Registration Forms for EAST/WEST and X-Search
- D. Security Identification Badges for Public Users (PTO-2224)