

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patents for Humanity Program
OMB CONTROL NUMBER 0651-0066
August 2015

A. JUSTIFICATION

1. Necessity of Information Collection

In 2012, the United States Patent and Trademark Office (USPTO) conducted a voluntary pilot program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The pilot program, notice of which was published in the Federal Register (77 FRN 6544) in February 2012, was a follow-up to the responses received from the agency's "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System"—published September 20, 2010—and was open to any patent owners or patent licensees, including inventors who had not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. The USPTO collected information from applicants that described what actions they had taken with their patented technology to address humanitarian needs among impoverished populations or how they furthered research by others on technologies for humanitarian purposes. After reviewing the results of the pilot, the program was renewed as an annual program in April 2014. Currently, there are five categories in which applications can be categorized: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards.

To participate in this program, applicants must submit an application describing how their actions satisfy the competition criteria to address humanitarian issues. The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. The applications are reviewed by independent judges. A selection committee composed of representatives from other federal agencies and laboratories will make recommendations for the awards based on the judges' reviews.

Those applicants who are selected for an award will receive a certificate redeemable to accelerate select matters before the USPTO and public recognition of their efforts, including an awards ceremony at the USPTO. The certificates can be redeemed to accelerate one of the following matters: an ex parte reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an ex parte reexamination, without accelerating the underlying matter which generated the appeal. The certificates cannot be transferred to other parties. Should a certificate recipient wish to extend the time period during which their award certificate

can be redeemed, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431).

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

Table 1: Information Requirements for Patents for Humanity Program

Requirement	Statute	Rule
Humanitarian Program Application	35 U.S.C. § 3(a)(2)	37 CFR 1.102
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	35 U.S.C. § 3(a)(2)	37 CFR 1.102

2. Needs and Uses

The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. One application covers the humanitarian uses of technologies or products and the other application covers humanitarian research. In addition, there is a form that allows applicants to provide their contact information which the USPTO uses to notify applicants that they have been selected for an award. These applications may be up to five pages long and can be supplemented with additional supporting materials. The applications must be submitted electronically through the competition website.

Applicants who are ultimately awarded a Humanitarian Award Certificate may wish to extend the redemption period of that certificate. In the event that an applicant wishes to extend that time period, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate. The petition is a one-page document which allows the applicant to request a 12-month extension of their certificate’s redemption period based on criteria outlined on the form (e.g. lack of a suitable matter, a pending matter is not yet ripe for certificate redemption, etc.).

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 public and by the USPTO:

Table 2: Needs and Uses for Matters Related to Patents for Humanity Program

Form and Function	Form #	Needs and Uses
Humanitarian Program Application (Humanitarian Use)	PTO/PFH/001	<ul style="list-style-type: none"> • Used by the applicant to apply for participation in the Patents for Humanity Program. • Used by the applicant to provide their contact information to the USPTO. • Used by external judges to recommend award recipients. • Used by the selection committee to make recommendations for award recipients. • Used by the USPTO to award a certificate to the selected recipients.
Humanitarian Program Application (Humanitarian Research)	PTO/PFH/002	<ul style="list-style-type: none"> • Used by the applicant to apply for participation in the Patents for Humanity Program. • Used by the applicant to provide their contact information to the USPTO. • Used by external judges to recommend award recipients. • Used by the selection committee to make recommendations for award recipients. • Used by the USPTO to award a certificate to the selected recipients.
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	PTO/SB/431	<ul style="list-style-type: none"> • Used by the certificate holder to petition the USPTO to extend the redemption period of the certificate after it expires. • Used by the USPTO to grant the extension of the redemption period for the certificate.

3. Use of Information Technology

The applications for participation in the Patents for Humanity Program are submitted electronically through the competition website. After the applications are screened for inappropriate material, they will be available on the public website.

4. Efforts to Identify Duplication

This information is collected when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Program. It does not duplicate information or collection of data found elsewhere.

5. Minimizing the Burden to Small Entities

No significant impact is placed on small entities.

6. Consequences of Less Frequent Collection

This information is collected only when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Program. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not

collected, the USPTO would not be able to present the awards and fulfill the requirements of the program.

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 was published on May 12, 2015 (80 Fed. Reg. 27148-27150). The public comment period ended on July 13, 2015. No public comments were received.

The USPTO consults with the Public Advisory Committees, which were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on the management of the patent and trademark operations. The Advisory Committees consist of the United States citizens chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance, budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.

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, inventor groups, and users of our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No views have been expressed regarding the present renewal.

9. Payment or Gifts to Respondents

This information collection does involve an award to select respondents. For patent holders whose applications are chosen as the best examples of advancing humanitarian goals, the USPTO will award them a certificate for acceleration of certain matters before the agency.

10. Assurance of Confidentiality

The USPTO will comply with any applicable confidentiality requirements.

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 110 responses to this information collection per year, with an estimated 33 percent (36) submitted by small entities. Of this total, the USPTO expects that 100 percent of responses will be submitted electronically through the Patents for Humanity website.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately four hours to complete the humanitarian program application and one hour to complete the petition to extend the acceleration certificate redemption period beyond 12 months, if needed, depending on the nature of the information. These estimated times include gathering the necessary information, preparing the application and any supplemental supporting materials, and submitting the completed request to the USPTO.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO expects that both attorneys and paralegals will complete the applications for the humanitarian program and that attorneys will complete the petitions to extend the redemption period. The USPTO uses a professional rate of \$389 per hour for the attorney respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the *2013 Report of the Economic Survey* published by the Committee on Law Practice Management of the American Intellectual Property Law Association (AIPLA). The USPTO uses a paraprofessional hourly rate for \$125 for the paralegal respondent cost burden calculations, which is the mean billing rate for paralegals with the Advanced Certified Paralegal credential as shown in the *2013 National Utilization and Compensation Survey Report* published by the National Association of Legal Assistance.

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency believes \$389 is an accurate estimate of the cost per hour to collect this information.

Table 3: Burden Hour/Burden Cost to Respondents for Patents for Humanity Program

IC Number	Information Collection Instrument	Estimated Response Time (a)	Estimated Annual Responses (b)	Estimated annual burden hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Cost Burden (c) x (d) = (e)
1	Humanitarian Program Application (Humanitarian Use); PTO/PFH/001	60 minutes (attorney) 180 minutes (paralegal)	85	340	\$191 (blended)	\$64,940.00
1	Humanitarian Program Application (Humanitarian Research); PTO/PFH/002	60 minutes (attorney) 180 minutes (paralegal)	15	60	\$191 (blended)	\$11,460.00
2	Petition to Extend the Redemption Period of the Humanitarian Awards Certificate; PTO/SB/431	60 minutes	10	10	\$389	\$3,890.00
Total	110	410	\$80,290.00

13. Total Annual (Non-hour) Cost Burden

The USPTO expects that there will be no annual (non-hour) cost burden associated with the humanitarian program applications or the petitions for extension.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-9, step 1, approximately 5 minutes (0.08 hours) to review the applications for inappropriate material. The hourly rate for a GS-9, step 1, is currently \$25.24 according to the U.S. Office of Personnel Management's (OPM's) 2015 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-9, step 1 is \$32.81 (\$25.24 + \$7.57).

The USPTO estimates that it takes a GS-11, step 1, approximately 15 minutes (0.25 hours) to review the petitions to extend the redemption period of the humanitarian awards certificate. The hourly rate for a GS-11, step 1 is currently \$30.53 according to the U.S. Office of Personnel Management's (OPM's) 2011 wage chart including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-11, step 1 is \$39.69 (\$30.53 + \$9.16).

Estimates are based upon agency long-standing institutional knowledge of and experience with processing the type of information collected and the length of time necessary to process similar or like information.

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

Table 4: Burden Hour/Burden Cost to the Federal Government for Patents for Humanity Program

IC Number	Item	Estimated Response Time (min) (a)	Estimated Annual Responses (b)	Estimated annual burden hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Federal Government Cost Burden (c) x (d) = (e)
1	Humanitarian Program Application (Humanitarian Use); PTO/PFH/001	5	85	7.08	\$32.81	\$232.40
1	Humanitarian Program Application (Humanitarian Research); PTO/PFH/002	5	15	1.25	\$32.81	\$41.01
2	Petition to Extend the Redemption Period of the Humanitarian Awards Certificate; PTO/SB/431	15	10	2.5	\$39.69	\$99.23
Total	-----	-----	110	10.83	-----	\$372.64

The USPTO's total estimated cost to the federal government for processing the information in this collection is \$372.64 per year.

15. Reason for Change in Burden

Summary of Changes in Burden

For this renewal, the USPTO estimates that the total annual responses will be 110 and that the total annual burden hours will be 410. These numbers correspond to a decrease of 900 responses and 3,600 burden hours from the previously approved burden.

The currently-approved (non-hour) cost burden for this collection is \$0.00, and it will remain at \$0.00 for the proposed approval.

The cost to the Federal Government for this renewal is estimated to decline by \$2,317.36, from \$2,690.00 to \$372.64 due to the decrease in the number of responses, despite the increased GS rates used for 2015.

Changes in Responses and Burden Hours

For this submission, the USPTO estimates that the total annual responses will decrease by 900 (from 1,010 to 110) and the total burden hours will decrease by 3,600 (from 4,010 to 410) from the currently approved burden for this collection. These changes are due to the following program change:

- **Decrease of 900 Responses:** Due to an agency adjustment of the estimate of the number of responses that will be received in the upcoming three-year

collection period, the number of estimated annual responses declined by 900. As a result of this decrease, the number of estimated annual burden hours for this collection declined to 410.

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$660,420.00, from \$740,710.00 to \$80,290.00, from the 2012 version of this collection due to:

- **Decrease in Number of Burden Hours:** As a result of the decrease of 900 estimated annual responses, as described above, the number of burden hours declined for this proposed renewal. This decline in hours led to an overall decrease in respondent cost burden, as fewer hours of time were being measured against the estimate hourly rates used to calculate cost burden.
- **Increase in Professional Salaries:** The July 2012 submission used the estimated hourly rate of \$371 for the attorneys and an estimated hourly rate of \$122 for the paralegals to prepare the humanitarian program application. For the current submission, the USPTO is using an hourly rate of \$389 for the attorneys and \$125 for the paralegals involved in preparing the applications in this collection.

Changes in Annual (Non-hour) Cost Burden

There are no changes to the Annual (Non-hour) Cost Burden for this collection, which remains at \$0.00.

Change in Federal Government Burden

For this submission, the USPTO estimates that the federal government cost burden for this collection will decrease by \$2,317.36, from \$2,690.00 to \$372.64. This change is due to the following:

- **Decrease in Number of Responses:** As a result of the decrease of 900 estimated annual responses, as described above, fewer responses needed to be processed by the federal government. Thus, less government time was spent addressing these submissions, reducing the overall cost of the collection to the federal government.
- **Increase in GS Rates:** For this collection, the USPTO is using the 2015 GS Rate table (with locality pay for the Washington, D.C. area) to calculate the work done by Federal employees. The 2012 submission valued an hour of work from a GS-9, step 1, and a GS-11, step 1, at \$32.16 (\$24.74 base hourly with an additional 30 percent added for benefits/overtime compensation) and \$38.91 (\$29.93 base hourly with an additional 30 percent added for benefits/overtime compensation), respectively. This submission, however, values those same positions at \$32.81

(\$25.24 base hourly plus the 30 percent benefits/overtime compensation) and \$39.69 (30.53 base hourly plus the 30 percent benefits/overtime compensation, respectively). Despite these increases, the total federal cost burden declined to \$372.64, primarily due to the decrease in the number of responses described above.

16. Project Schedule

There is no plan to publish this information for statistical use. No special publication of the items discussed in this justification statement is planned.

17. Display of Expiration Date of OMB Approval

The form 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.