

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Admission to Practice
OMB Control Number 0651-0012

Background

This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require applicants to provide information to demonstrate they are of good moral character and reputation and have the necessary qualifications to assist applicants with patent matters and to represent them before the USPTO.

The OED Director uses the information in this collection to determine whether the applicant is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of patent applications.

The USPTO uses applicant information in determining whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

The request is to add one IC (Mandatory Survey: Data Sheet – Register of Patent Attorneys and Agents, Form PTO-107S), and remove another IC (Application for Limited Recognition in USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office, Form PTO-158LS). The Survey has been a long standing program of the office and is being added back into the collection. The information in the data sheet is very similar to PTO-107A which is used when individual update their information upon their request. This survey is similar in confirming a practitioner’s personal and contact information, but it is mandatory for anyone wishing to remain on the register. The Law Student Application is being removed to avoid double-counting, as it was included in a recent new collection (Law Clinic Program 0651-0081). Additionally, two IC lines (7 and 9a) are being adjusted to reflect new agency estimates in their respective non-hourly cost burdens.

Table 1: Change in Respondents

IC #	Item	Current Responses	Updated Responses	Change in Responses
-	Mandatory Survey – Register of Patent Attorneys and Agents (PTO-107S)	0	5,000	5,000
4	Application for Limited Recognition in USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office (PTO-158LS)	300	0	-300
	Totals	---	---	4,700

Table 2: Change in Burden Hours

IC #	Item	Current Burden Hours	Updated Burden Hours	Change in Burden Hours
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-	Mandatory Survey – Register of Patent Attorneys and Agents (PTO-107S)	0	2,500	2,500
4	Application for Limited Recognition in USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office (PTO-158LS)	150	0	-150
	Totals	---	---	2,350

Table 3: Change in Cost Burden

IC #	Item	Current Cost Burden	Updated Cost Burden	Change in Cost Burden
-	Mandatory Survey – Register of Patent Attorneys and Agents (PTO-107S)	\$0.00	\$0.00	\$0.00
4	Application for Limited Recognition in USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office (PTO-158LS)	\$183.00	\$0.00	-\$183.00
7	Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) (PTO-107A)	\$220,466.00	\$220,576.00	\$110.00
9d	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	\$35.00	\$2,635	\$2,600
	Totals	---	---	\$2,527.00

Summary of Changes

The addition of 4,700 respondents, and 2,350 burden hours, and addition of \$2,527.00 in non-hourly cost burden to collection 0651-0012 account for the changes adding the PTO-107S survey, removing the Application for Law Students, and adjusting the cost burden estimates for two IC lines.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Respondents	21,935	4,700	26,635
Burden Hours	34,934	2,350	37,284
(Non-hourly) Cost Burden	\$1,372,052.00	\$2,527.00	\$1,374,579.00

The 0651-0012 revised total burden is as follows:

- 26,635 respondents
- 37,284 burden hours
- \$1,374,579.00 (non-hourly) cost burden