

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Examiner Employment Application
OMB CONTROL NUMBER 0651-0042
October 2017

A. JUSTIFICATION

1. Necessity of Information Collection

In the current employment environment, information technology professionals and engineering graduates are in great demand. The United States Patent and Trademark Office (USPTO) is in direct competition with the private industry for the same caliber of candidates with the requisite knowledge and skills to perform patent examination work. The use of automated online systems during recruitment allows the USPTO to remain competitive, meet hiring goals, and fulfill the agency's Congressional commitment to reduce the pendency rate for the examination of patent applications.

The USPTO uses the Monster Hiring Manager (MHM) system to review applications for employment of entry-level patent examiners rapidly. Using MHM saves time by eliminating paper applications, reducing the time the Office of Human Resources staff needs to spend processing and reviewing applications by several weeks. Given the time-sensitive hiring needs of the Patent Examining Corps, the MHM system provides increased speed and accuracy during the employment process.

The MHM online application collects supplemental information to a candidate's USAjobs application. This information assists the Human Resource Specialists and hiring managers in determining whether an applicant possesses the basic qualification requirements for the patent examiner position. From the information collected, the MHM system creates an electronic real-time candidate inventory on applicants' expertise and technical knowledge, which allows the USPTO to review applications from multiple potential applicants instantaneously.

The use of the MHM online application fully complies with 5 U.S.C. § 2031, which requires adequate public notice to assure open competition by guaranteeing that necessary employment information will be accessible and available to the public on inquiry. It is also fully compliant with Section 508 (29 U.S.C. § 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

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

Table 1: Information Requirements

IC Number	Requirement	Statute	Rule
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1	Patent Examiner Employment Application	5 USC § 2301	5 CFR 1320, 29 CFR 1625.5, 37 CFR 10.39
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2. Needs and Uses

The use of automated application submissions provides a user-friendly electronic candidate inventory that allows management to review potential applications in real time. An applicant seeking a patent examiner position supplies information to the USPTO that assists Human Resource Specialists and hiring managers and demonstrates whether or not the applicant possess the basic qualifications for the position for which they are applying.

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 UPSTO information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

IC Number	Form and Function	Form #	Needs and Uses
1	Patent Examiner Employment Application	None	<ul style="list-style-type: none"> • Used by the public to apply for a position as a patent examiner. • Used by the USPTO too rate applicants for a patent examiner position. • Used by the USPTO to expedite the hiring process.

3. Use of Information Technology

Applicants use the Monster Hiring Management system, when they submit electronic applications to the USPTO. Applicants visit the OPM USAJobs website where they find a patent examiner job announcement which links them to the Monster Hiring Management system. The applicant then completes and transmits their application to the USPTO via the Internet. Applicants who do not have access to a computer should contact OHR prior to the closing date of the announcement so appropriate accommodations can be made for submitting their applications.

Each applicant who submits an electronic employment application through the Monster Hiring Manager system receives instant confirmation of their submission. After the application is submitted, it is reviewed for completeness. With the MHM system, reviewers can view qualified employment applications accompanied by electronic images of supplemental documentation stored with the online application. If the application is complete, the applicant's qualifications will be reviewed. If the application is incomplete, the applicant receives an e-mail notification of the deficiency.

It should be noted, however, that not all of the required information can be provided in the patent examiner employment application through the Monster Hiring Management system. For example, in order to apply for a patent examiner position, the applicant must also possess a minimum of a bachelor's degree. However, as part of the application through the MHM system, an unofficial college transcript must be uploaded and transmitted.

The Monster Hiring Management system allows the USPTO to carry out its missions by providing a streamlined and integrated approach to human resource management and support for business process improvements. Benefits of the system include reduced over all time from the initiation of a request for employment to completion of a re-scored listing, elimination of paneling costs paid to another agency, near instantaneous return of certificates, and automated protection of Veterans' hiring preferences.

4. Efforts to Identify Duplication

Every applicant who submits an application for employment through the Monster Hiring Management system will receive a unique system-generated identification number. Since an application for employment can only be filed through the MHM system, no duplication of effort or collection of information is expected.

5. Minimizing the Burden to Small Entities

No significant impact is placed on small entities. Small entities simply need to identify themselves as such to obtain the benefits of small entity status.

Pursuant to 35 U.S.C. § 41(h)(1), the USPTO provides a fifty percent (50%) reduction in the fees charged under 35 U.S.C. § 41(a) and (b) for small entities. The USPTO also provides a fifty percent (50%) reduction of the already-reduced small-entity fees for those entities asserting micro entity status. The USPTO's regulations concerning the payment of reduced patent fees by small entities and micro entities are at 37 CFR 1.27 and 1.28, and are reduced patent fees for applicants with either small-entity or micro-entity status as shown in 37 CFR 1.16, 1.17, 1.18, and 1.20.

6. Consequences of Less Frequent Collections

This information is collected only when the applicant is applying for a position at the USPTO. 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 August 11, 2017. The comment period ended on October 10, 2017. No comments were received.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of the public search facilities. Their views are expressed in regularly scheduled meetings and considered when developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

9. Payment or Gifts to Respondent

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

10. Assurance of Confidentiality

The Office of Personnel Management (OPM) and other Federal agencies rate applications for Federal jobs under the authority of 5 U.S.C. §§ 1104, 1302, 3301, 3304, and 8716. The information in this collection will be treated confidentially to the extent allowed by law under the Freedom of Information Act (FOIA) and the Privacy Act. The information from the online applications and the vacancy announcements are used to determine suitability for Federal employment and to evaluate individual qualifications.

11. Justification for Sensitive Questions

The questions provided in the online applications are used to determine suitability to employment with the Federal Government. Patent examiners must possess good moral character and reputation in order to represent patent applications. Asking these questions on the online applications facilitates the hiring process by identifying any situation that could potentially disqualify an applicant from Federal employment. Because of the volume of applications received and the number of applications that must be processed in order to hire patent examiners, asking these questions up front reduces the burden on the part of the hiring manager, the recruitment staff, and the employee relations branch in terms of screening individuals who have suitability restrictions or who have falsified their applications.

Individual managers conduct reference checks after an applicant has been referred to them on an eligibility document generated through the Monster Hiring Manager system from the online application.

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 10,660 respondents per year for this collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 30 minutes (0.50 hours) to gather and prepare the necessary information and submit the electronic employment application.

- **Cost Burden Calculation Factors**

The USPTO estimates that the candidate pools or users of the Monster Hiring Management system are scientists and engineers, whose medial salary rate is \$46.49 per hour, derived from the Bureau of Labor Statistics. This is a fully loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondent

IC #	Item	Hours (a)	Estimated Annual Responses (b)	Burden (hrs/yr) (a) x (b) = (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) = (e)
1	Patent Examiner Employee Application	0.50 (30 minutes)	10,660	5,330	\$46.46	\$247,791.70
	TOTAL	- - - -	10,660	5,330	- - - -	0247,791.70

13. Total Annual (Non-hour) Cost Burden

There are no capital start-up, maintenance or record keeping costs, postage costs, or filing fees associated with this information collection.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-12, step 4 approximately 1 hour to process an electronic employment application, depending on the situation.

The USPTO estimates that the cost of a GS-12, step 4 employee is \$54.62 (GS hourly rate of \$42.02 with 30% (\$12.60) added for benefits and overhead).

Table 4 calculates the processing hours and costs for a patent examiner employment application to the Federal Government.

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

IC Number	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Patent Examiner Employee Application	1	10,660	10,660	\$54.62	\$582,249.20
	TOTAL	- - - -	10,660	10,660	- - - - -	\$582,249.20

The USPTO has an annual maintenance cost with regard to the software license and the maintenance of the Monster Hiring Management system. The USPTO projects that it will cost approximately \$162,000 per year to maintain the software license. Therefore, the total cost to the USPTO for collecting this information is \$744,249.20.

15. Reasons for Change in Burden

A. Changes in collection since previous OMB approval in 2014

OMB previously approved the renewal of this information collection in October 2014. The current collection contains:

- 16,103 responses
- 8,051.50 burden hours
- \$359,822 in burden hourly cost burden

Changes from the 60-Day *Federal Register* Notice

B. Changes proposed in this request to OMB

The proposed collection, as outlined in the tables above, seeks to modify the existing collection. The proposed collection contains an estimated:

- 10,660 responses
- 5,330 burden hours
- \$247,791.70 in burden hourly cost burden

Change in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 5,443 (from 16,103 to 10,660) and the total burden hours will decrease by 2,721.50 (from 8,085.50 to 5,330) from the currently approved burden for this collection. These changes are due to the following administrative adjustment:

- Decrease of 5,443 responses due to revisions of agency estimates results in a decrease of burden hours.

Changes in Respondent Cost Burden

For this renewal, the USPTO estimates that the total respondent cost burden for this collection will decrease by \$112,030.30 from the currently approved burden for this collection. These changes are due to the following administrative adjustment:

- Decrease of 5,443 responses due to revisions of agency estimates results in a decreased respondent cost burden.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.