

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patent and Trademark Resource Center Metrics**  
**OMB CONTROL NUMBER 0651-0068**  
**December 2017**

**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 patents and trademarks. In order to be designated as a PTRC, libraries must fulfil 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-hosed 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 Paperwork Reduction Act (PRA). The information collected will enable the USPTO to more effectively train the PTRC staffs who, in turn, provide assistance and training to the 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 service its current customers more efficiently 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. Each PTRC will be given a unique password to input their information.

Currently, the PTRC program has 88 members, but additional libraries are expected to join the program in the near future.

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

**Table 1: Information Requirements**

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

## **2. Needs and Uses**

The participating PTRCs uses this information collection to provide metrics pertaining to the use of the patent and trademark services by the public, as well as the public outreach efforts of their libraries.

This 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 USPTO 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 #	Form and Function	Form #	Needs and Uses

1	Patent and Trademark Resource Center (PTRCs) Metrics	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 PTRC staff</li> <li>• Used by the USPTO to determine what type of new and different services that the PTRCs should provide in the future</li> </ul>
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### **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 information collected is the minimum needed to execute the transaction and to ensure that the PTRCs metrics collected are accurate. This collection of information does not impose a significant impact or put an unnecessary burden on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

### **6. Consequences of Less Frequent Collection**

The USPTO is collecting this information on a quarterly basis from the PTRCs in order to train the PTRC staff more effectively and to determine what types of 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 the 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 September 25<sup>th</sup>, 2017 (82 Fed. Reg. 44585). The public comment period ended on November 24, 2017. No comments were received.

## **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 of 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 352 responses to this information collection per year, with approximately 88 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 \$31.46. This is the mean hourly wage for college librarians according to the Bureau of Labor Statistics Occupational Employment Statistics (OES 25-4021).

**Table 3: Burden Hour/Burden Cost to Respondents**

IC #	Item	Estimated Time for Response (Hour) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (c) = (a) x (b)	Rate (\$/hr) (d)	Estimated Annual Respondent Cost Burden (e) = (c) x (d)
1	PTRC Metric Worksheet	0.50 (30 minutes)	352	176	\$31.46	\$5,536.96
	<b>Total</b>	---	352	176	---	<b>\$5,536.96</b>

### **13. Total Annual (Non-hour) Cost Burden**

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

### **14. Annual Cost to the Federal Government**

The USPTO employs a GS-13 to process the metrics collected for this information collection.

The USPTO estimates that the cost of a GS-13, step 9 employee is \$74.79 per hour (GS hourly rate of \$57.53 with 30% (\$17.26) added for benefits and overhead). The USPTO estimates that it takes an employee 3 minutes (0.05 hours) to process a worksheet.

Table 4 calculates the burden hour and costs to the Federal Government for processing this information collection.

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

IC #	Item	Hours (a)	Responses (b)	Burden (c) (a) x (d)	Rate (d)	Total Cost (e) (c) x (d)
1	PTRC Metric Worksheet	0.05	352	17.60	\$74.79	\$1,316.30
	<b>Total</b>		352	<b>17.60</b>		<b>\$1,316.30</b>

### **15. Reasons for Change in Burden**

#### **A. Changes in Collection since previous OMB approval in 2015**

OMB previously approved the renewal of this information collection in April 2015. The current collection contains:

- 336 responses
- 168 burden hours
- \$5,008.08 in respondent hourly cost burden
- \$0 in annual (non-hour) costs

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:

- 352 responses
- 176 burden hours
- \$5,536.96 in respondent hourly cost burden
- \$0 in annual (non-hour) costs

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$528.88 (from \$5,008.08 to \$5,536.96) from the previous renewal of this collection in April 2015:

- **Increases in estimated hourly rates.** The 2015 renewal used an estimated rate of \$29.81 per hour for librarians to this collection, which was the estimated hourly rate for college librarians. For the current renewal, the USPTO is using an updated hourly rate of \$31.46.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 168 in the 2015 renewal to 176 in the current renewal due to overall increases in the estimated annual responses for this collection.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase, due to new libraries joining the program, by 16 (from 336 to 352) and the total burden hours will increase by 8 (from 168 to 176) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- Increase of 16 estimated annual responses for the PTRCs quarterly metrics, which results in a burden increase of 8 hours.

Changes in Annual (Non-hour) Costs

For this renewal, there are no changes in the annual (non-hour) costs.

**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.