

SUPPORTING STATEMENT
United States Patent and Trademark Office
Representative and Address Provisions
OMB CONTROL NUMBER 0651-0035
(2018)

A. JUSTIFICATION

1. Necessity of Information Collection

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for an application, patent, or reexamination proceeding, and for a registered practitioner to withdraw as attorney or agent of record. This collection also includes the information necessary to change the correspondence address for an application, patent, or reexamination proceeding, to request a Customer Number and manage the correspondence address and list of practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents or applications by using a Customer Number.

Under 35 U.S.C. 2 and 37 CFR 1.31-1.36, the applicant for patent or the assignee of the entire interest of the applicant (for an application filed before September 16, 2012, or for a patent which issued from an application filed before September 16, 2012), or the applicant for patent or the patent owner (for an application filed on or after September 16, 2012, or for a patent which issued from an application filed on or after September 16, 2012), may grant power of attorney to one or more joint inventors or a person who is registered to practice before the USPTO to act for them in an application or a patent. A power of attorney may also be revoked, and a registered practitioner may also withdraw as attorney or agent of record under 37 CFR 1.36.

The rules of practice (37 CFR 1.33) also provide for a correspondence address and daytime telephone number to be supplied for receiving notices, official letters, and other communications from the USPTO. For an application filed before September 16, 2012, the address and number may be supplied by a practitioner of record, all of the applicants, or an assignee. In addition, a practitioner not of record may supply the address and number for an application filed before September 16, 2012, if the practitioner is named in the transmittal papers accompanying the original application and if an oath or declaration by any of the inventors has yet to be filed. For an application filed on or after September 16, 2012, the address and number may be supplied by an applicant. A practitioner not of record who acts in a representative capacity may supply the address and number for an application filed on or after September 16, 2012, if the practitioner is named in the application transmittal papers and if any power of attorney has yet to be appointed.

37 CFR 1.36 provides for the revocation of a power of attorney at any stage in the proceedings of a case. 37 CFR 1.36 also provides a path by which a registered patent

attorney or patent agent who has been given a power of attorney may withdraw as attorney or agent of record.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent or application without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. The PAIR system gives authorized individuals secure online access to application status information, but only for patent applications that are linked to a Customer Number. Customer Numbers may be associated with U.S. patent applications as well as international Patent Cooperation Treaty (PCT) applications. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners or to establish a separate “fee address” for maintenance fee purposes that is different from the correspondence address for a patent or application.

Customers may use a Customer Number Upload Spreadsheet to designate or change the correspondence address or fee address for a list of patents or applications by associating them with a Customer Number. The Customer Number Upload Spreadsheet may not be used to change the power of attorney for patents or applications. Customers may download a Microsoft Excel template with instructions from the USPTO Web site to assist them in preparing the spreadsheet in the proper format.

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
1	Power of Attorney	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.510, and 1.915
2	Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.36(a)
3	Withdrawal as Attorney or Agent	35 U.S.C. § 2	37 CFR 1.36(b)
4	Authorization to Act in a Representative Capacity	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.34
5	Petition to Grant or Revoke Power of Attorney by Fewer than All the Applicants	35 U.S.C. § 2	37 CFR 1.17(h), 1.32(b)(4), 1.36(a)
6	Change of Correspondence Address	35 U.S.C. §§ 2, 304, and 314	37 CFR 1.33
7	Request for Customer Number or Customer Number Data Change	35 U.S.C. § 2	37 CFR 1.32 and 1.33

8	Customer Number Upload Spreadsheet	35 U.S.C. § 2	37 CFR 1.33 and 1.363
9	Request to Update a PCT Application with a Customer Number	35 U.S.C. § 2	37 CFR 1.33

2. Needs and Uses

The public uses this information collection to grant or revoke power of attorney, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to change a correspondence address, to request a Customer Number, and to change the data associated with a Customer Number. This collection is necessary so that the USPTO knows who is authorized to take action in an application, patent, or reexamination proceeding and where to send correspondence regarding an application, patent, or reexamination proceeding.

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 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	Power of Attorney to Prosecute Applications Before the USPTO	PTO/SB/80 PTO/AIA/80	<ul style="list-style-type: none"> SB/80: used by an assignee to appoint an attorney or agent in all applications filed before September 16, 2012, in which the assignee is the assignee of record of the entire interest and to change the correspondence address for the application(s). AIA/80: used by an assignee to appoint an attorney or agent in all applications filed on or after September 16, 2012, in which the assignee is or is becoming the named applicant and to change the correspondence address for the application(s). The advantage of both the SB/80 and AIA/80 is that an assignee only has to sign one SB/80 or AIA/80; copies can then be used to establish the desired power of attorney in (all) compliant patent applications of the assignee. Both forms are used by the USPTO to determine who is authorized to act on behalf of the assignee and to change the correspondence address for the applications.

2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81 PTO/AIA/81 PTO/AIA/82A PTO/AIA/82B PTO/AIA/82C Translations thereof	<ul style="list-style-type: none"> • SB/81: Used by the applicant or assignee of record of the entire interest in an application filed before September 16, 2012, to revoke all previous powers of attorney, appoint a practitioner, and change the correspondence address. • AIA/81: Used by pro se inventors who are the applicant in an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the application, appoint one or more of the joint inventors as having power of attorney, and change the correspondence address. • AIA/82A: Used by the applicant in an application filed on or after September 16, 2012, to identify the application to which the Power of Attorney is directed. • AIA/82B: Used by the applicant in an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the application, appoint a practitioner, and change the correspondence address. • AIA/82C: Used by the applicant in an application filed on or after September 16, 2012, to appoint up to 10 practitioners by name and registration number. • Each of these forms is used by the USPTO to determine who is authorized to act on behalf of the applicant or assignee, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified application.
2	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81A PTO/AIA/81A	<ul style="list-style-type: none"> • SB/81A: Used by an inventor or patent owner in a patent that issued from an application filed before September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address. • AIA/81A: Used by the applicant or patent owner in a patent that issued from an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address. • Both forms are used by the USPTO to determine who is authorized to act on behalf of the inventor, applicant, or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified patent.

2	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81B PTO/AIA/81B	<ul style="list-style-type: none"> • SB/81B: Used by an inventor or patent owner in a reexamination proceeding in which the patent being reexamined issued from an application filed before September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • AIA/81B: Used by the applicant or patent owner in a reexamination proceeding in which the patent being reexamined issued from an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • Both forms are used by the USPTO to determine who is authorized to act on behalf of the inventor, applicant, or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
2	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81C	<ul style="list-style-type: none"> • Used by a third party requester to revoke all previous powers of attorney in a reexamination proceeding, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • Used by the USPTO to determine who is authorized to act on behalf of a third party requester, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
3	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	PTO/SB/83 PTO/AIA/83	<ul style="list-style-type: none"> • SB/83: Used by a practitioner to withdraw as the attorney or agent of record for an application filed before September 16, 2012, and to change the correspondence address for the application. • AIA/83: Used by a practitioner to withdraw as the attorney or agent of record for an application filed on or after September 16, 2012, and to change the correspondence address for the application. • Both forms are used by the USPTO to process the withdrawal request and to change the correspondence address for the identified application.
4	Authorization to Act in a Representative Capacity	PTO/SB/84	<ul style="list-style-type: none"> • Used by a practitioner of record to indicate that another registered practitioner has authority to take action in an application without granting a power of attorney to the named practitioner. • Used by the USPTO to determine who is authorized to take action in an application.
5	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> • Used by an applicant or assignee to request that power of attorney in an application be allowed to be revoked by fewer than all the applicants or assignees of the entire interest. • Used by the USPTO to determine whether the request to revoke power of attorney should be granted.
5	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> • Used by an applicant or assignee to request that power of attorney in an application be allowed to be granted by fewer than all the applicants or assignees of the entire interest. • Used by the USPTO to determine whether the request to grant power of attorney should be granted.

6	Change of Correspondence Address - Application	PTO/SB/122 PTO/AIA/122	<ul style="list-style-type: none"> • SB/122: Used by the applicant/inventor, assignee of record of the entire interest, practitioner of record, or registered practitioner named in the application transmittal letter in an application without an executed oath or declaration to change the correspondence address of a single application filed before September 16, 2012, to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • AIA/122: Used by the applicant, practitioner of record, or registered practitioner named in the application transmittal papers who acts in a representative capacity under 37 CFR 1.34 to change the correspondence address of a single application filed on or after September 16, 2012 to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • Both forms are used by the USPTO to process a request to change the correspondence address for an application.
6	Change of Correspondence Address – Patent	PTO/SB/123 PTO/AIA/123	<ul style="list-style-type: none"> • SB/123: Used by the patentee, assignee of record of the entire interest, or practitioner of record to change the correspondence address of a single patent which issued from an application filed before September 16, 2012, to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • AIA/123: Used by the patentee, practitioner of record, or registered practitioner acting in a representative capacity whose correspondence address is the correspondence address of record to change the correspondence address of a single patent to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • Both forms are used by the USPTO to process a request to change the correspondence address for a patent.
6	Patent Owner Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123A	<ul style="list-style-type: none"> • Used by a practitioner of record or patent owner to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.
6	Third Party Requester Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123B	<ul style="list-style-type: none"> • Used by a third party requester or practitioner of record for a third party requester to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number. • Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.
7	Request for Customer Number or Customer Number Data Change	PTO/SB/124	<ul style="list-style-type: none"> • Used by the applicant, assignee, practitioner of record, or third party requester to change the correspondence address or list of registered practitioners associated with an existing Customer Number. • Used by the USPTO to process a request for a Customer Number data change.

7	Request for Customer Number	PTO/SB/125	<ul style="list-style-type: none"> Used by the public to request a Customer Number and associate a correspondence address or list of registered practitioners with that Customer Number. Used by the USPTO to assign new Customer Numbers and associate a specified address and a list of registered practitioners with a new Customer Number.
8	Customer Number Upload Spreadsheet	None	<ul style="list-style-type: none"> Used by an applicant, assignee, practitioner of record, or third party requester to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings by using a Customer Number. Used by the USPTO to process a request to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings.
9	Request to Update a PCT Application with a Customer Number	PTO-2248	<ul style="list-style-type: none"> Used by an applicant to associate an already established PCT paper application with an existing Customer Number. Used by the USPTO to process a request to associate an existing PCT application with a Customer Number.

3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

Customers may submit a batch request in spreadsheet format to designate or change the correspondence address or fee address for a list of patents, applications, or reexamination proceedings by associating them with a Customer Number. The Customer Number Upload Spreadsheet file must be submitted to the USPTO on a computer-readable diskette or compact disc (CD) with a signed cover letter requesting entry of the address changes. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO web site to assist them in preparing the spreadsheet in the proper format. At this time, the USPTO has no plans to allow electronic submission of the Customer Number Upload Spreadsheets. Use of the Customer Number Upload Spreadsheet reduces the chance of errors and ensures that the USPTO avoids changing the address data for the wrong patent, application, or reexamination proceeding.

The other items in this collection may be submitted to the USPTO online through EFS-Web. EFS-Web is the USPTO's web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. For one item in this collection, the Request for Withdrawal as Attorney or

Agent, the customer may choose to enter the information directly into the EFS-Web interface screens instead of using the PDF form. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgement receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

4. Efforts to Identify Duplication

This information is collected only when a respondent grants or revokes power of attorney in an application, withdraws as attorney of record, changes a correspondence address or fee address, requests a Customer Number, or changes data associated with a Customer Number. This information is not collected elsewhere. However, if a customer submits Customer Number forms containing a large amount of data, such as associating Customer Number data with a large number of patents or applications, the USPTO may in some case contact the customer and request that the data be resubmitted using the Customer Number Upload Spreadsheet format in order to facilitate accurate uploading of the data into USPTO databases.

Additionally, the Customer Number Upload Spreadsheet instructs the user to provide both the Customer Number and the correspondence address associated with the Customer Number. This correspondence address is already on file with the Customer Number, but the USPTO requests this information in order to verify that the Customer Number submitted is correct for associating the patents and applications listed on the spreadsheet.

5. Minimizing 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 reduced patent fees for applicants with either small-entity or micro-entity status are shown in 37 CFR 1.16, 1.17, 1.18, and 1.20.

6. Consequences of Less Frequent Collection

This information is collected only when an applicant, assignee, or practitioner or record submits an application, or when an applicant, assignee, practitioner of record, or third party requester designates or changes their representative or correspondence address, or requests a Customer Number. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not know who is authorized to take action in an application, patent, or reexamination proceeding and could not communicate with the applicant, assignee, practitioner of record, third party requester or authorized representative concerning the application, patent, or reexamination proceeding.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with collection of information.

8. Consultation Outside the Agency

The 60-Day Notice was published in the *Federal Register* on October 18th, 2017 (82 FED 48489). The comment period ended on December 18th, 2017. One commenter (a practitioner at a private firm) responded to the October 18, 2017 60-Day Notice. The USPTO's response to the comment follows.

Comment: The commenter states that there appears to be a typographical error in the list of form numbers at section III (titled "Data") of the October 18, 2017 60-Day notice.

Response: The commenter is correct that the October 18, 2017 60-Day notice contained a typographical error at section III. Each of the present Supporting Statement and the corresponding 30-Day notice to be published in the *Federal Register* correctly identify the forms associated with this collection.

Comment: The commenter suggests consolidating forms PTO/AIA/80 and PTO/AIA/82 and perhaps other power of attorney forms.

Response: The USPTO thanks the commenter for his suggestion. In view of the suggestion, the USPTO is strongly considering retiring form PTO/AIA/80.

The PTO/AIA/80 was created to provide an equivalent of the PTO/SB/80 for applications filed on or after September 16, 2012. The primary advantage of the PTO/AIA/80 is that individual patent application numbers are not indicated on the form. Thus, an assignee only has to sign one PTO/AIA/80. Copies can then be used to establish the desired power of attorney in (all) compliant patent applications of the assignee. However, the PTO/AIA/82, which was created to provide an equivalent of the PTO/SB/81 for applications filed on or after September 16, 2012, provides this same functionality.

Furthermore, contrary to the commenter's understanding, the PTO/AIA/80 and PTO/AIA/82 do not differ in their ability to be used when an assignee becomes the applicant mid-prosecution. Both forms require the concurrent filing of a request to change the applicant under 37 CFR 1.46(c) in order to be usable by an assignee that is becoming the applicant.

In light of the comment, the USPTO also evaluated consolidating other power of attorney forms, and was unable to identify any additional candidates for consolidation.

Comment: The commenter notes that 37 CFR 1.34 allows a practitioner to represent a client in a representative capacity without obtaining a power of attorney. The commenter points out that a practitioner acting in a representative capacity, i.e., a practitioner not of record, may only change the correspondence address of an application prior to the appointment of any power of attorney, and only if the practitioner is named in the application transmittal papers. According to the commenter, an issue may arise when there is no power of attorney in an application, and the only practitioner named in the application transmittal papers is no longer associated with the firm receiving correspondence for the application. In such a situation, the firm is unable to change the correspondence address without the applicant's cooperation (37 CFR 1.33(a) provides that the correspondence address may be changed at any time by a practitioner of record or the applicant).

The commenter suggests two options for expanding the capability of practitioners acting in a representative capacity to change the correspondence address. As a first option, the commenter proposes that the USPTO interpret the language "any patent practitioner named in the application transmittal papers who acts in a representative capacity under the provisions of § 1.34" in 37 CFR 1.33(a) so that it encompasses all practitioners associated with a Customer Number identified in the application transmittal papers. As a second option, the commenter proposes adding a field to the Application Data Sheet form. Users could then use the newly added field to identify practitioners who would then be "named in the application transmittal papers" and would thus be able to change the correspondence address in accordance with 1.33(a).

Response: 37 CFR 1.34 provides that when a patent practitioner acting in a representative capacity signs a paper, his or her signature constitutes a representation that he or she is authorized to represent the particular party on whose behalf he or she acts. As discussed at MPEP § 402.03(II), the USPTO provides 1.34 practice to facilitate replies on behalf of applicants in applications. However, MPEP § 402.03(II) also makes clear that the best practice for a practitioner who wishes to represent a party before the USPTO is for the practitioner to obtain a power of attorney. Without power of attorney, a practitioner may not sign (A) a document granting access to an application, (B) a change of correspondence address, (C) a terminal disclaimer (37 CFR 1.321(b)(1)(iv)), or (D) a request for an express abandonment without filing a continuing application (37 CFR 1.138(b)). The submission of any of (A), (B), (C), and (D) warrants an extra layer of protection on behalf of the applicant which the USPTO provides via the requirement of a power of attorney.

The USPTO provides at 37 CFR 1.33(a) a compromise for practitioners acting under § 1.34 who wish to change the correspondence address. 1.33(a) provides that prior to the appointment of any power of attorney, the correspondence address may be changed by any patent practitioner named in the application transmittal papers who acts in a representative capacity under the provisions of § 1.34. The USPTO does not want to further erode the extra layer of protection afforded applicants in connection with a change of correspondence address by adopting either of the commenter's suggestions.

Finally, the commenter points to 37 CFR 1.33(g). The USPTO added 1.33(g) in 2012 to provide that a practitioner acting in a representative capacity whose correspondence address is the correspondence address of record in an application may change the correspondence address *after the patent has issued*, provided that the change of correspondence address is accompanied by a statement that notice has been given to the patentee or owner. See *Changes To Implement the Inventor's Oath or Declaration Provisions of the Leahy-Smith America Invents Act*, 77 FR 48776, 48783. The commenter is of the opinion that a solution similar to 1.33(g) should be provided for pending applications, i.e., before a patent has issued.

The USPTO had an opportunity to draft 1.33(g) in a manner that would encompass pending applications, or to draft an analog to 1.33(g) for pending applications. It chose not to do so in order to ensure that an extra layer of protection remains in place for applicants. The USPTO emphasized this decision by expressly stating at 77 FR 48783 that 1.33(g) does "not provide authority to a practitioner acting under § 1.34 to change the correspondence address in an application."

9. Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reexamination proceeding is available to the public.

11. Justification for Sensitive Questions

None of the required information in this collection is considered to be sensitive.

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 501,905 responses per year for this collection, with approximately 25% of these responses submitted by small entities.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public between approximately 3 minutes (0.05 hours) to 90 minutes (1.5 hours) to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed request to the USPTO.
- **Cost Burden Calculation Factors**
The USPTO uses a professional rate of \$438 per hour for respondent cost burden calculations, which is the media rate for attorneys in private firms as shown in the 2017 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

The USPTO uses a paraprofessional rate of \$145 per hour for respondent cost burden calculations, which is the average rate of paralegals as shown in the 2017 *National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

Table 3: Burden Hour/Burden Cost to Respondents

IC #	Item	Hours (a)	Estimated Responses (b)	Burden (hrs/yr) (a) x (b) = (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) = (e)
------	------	--------------	----------------------------	---------------------------------------	---------------------	---------------------------------------

1	Power of Attorney to Prosecute Applications Before the USPTO	0.05 (3 minutes)	4,000	200.00	\$145.00	\$29,000.00
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence	0.05 (3 minutes)	350,000	17,500.00	\$145.00	\$2,537,500.00
3	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.05 (3 minutes)	300	15.00	\$145.00	\$2,175.00
4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.05 (3 minutes)	100	5.00	\$145.00	\$725.00
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.05 (3 minutes)	70	3.50	\$145.00	\$507.50
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	0.20 (12 minutes)	4,000	800.00	\$438.00	\$350,400.00
7	Authorization to Act in a Representative Capacity	0.05 (3 minutes)	750	37.50	\$145.00	\$5,437.50
8	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1.00	10	10.00	\$438.00	\$4,380.00
9	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1.00	10	10.00	\$438.00	\$4,380.00
10	Change of Correspondence Address for Application or Patent	0.05 (3 minutes)	130,000	6,500.00	\$145.00	\$942,500.00
11	Patent Owner Change of Correspondence Address – Reexamination Proceeding	0.05 (3 minutes)	25	1.25	\$145.00	\$18.25
12	Third Party Requester Change of Correspondence Address – Reexamination Proceeding	0.05 (3 minutes)	40	2.00	\$145.00	\$290.00
13	Request for Customer Number Data Change	0.20 (12 minutes)	1,600	320.00	\$145.00	\$46,400.00

14	Request for Customer Number	0.20 (12 minutes)	8,500	1,700.00	\$145.00	\$246,500.00
15	Customer Number Upload Spreadsheet	1.50 (90 minutes)	600	900.00	\$145.00	\$130,500.00
16	Request to Update a PCT Application with a Customer Number	0.25 (15 minutes)	1,900	475.00	\$145.00	\$68,875.00
	TOTAL	- - - -	501,905	28,479.25	- - - -	\$4,369,751.25

13. Total Annual (Non-hour) Cost Burden

This collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to USPTO.

Fees

There are two fees associated with submitting petitions to the USPTO for a total of \$8,000 per year as outlined in Table 4 below.

Table 4: Filing Fee/Non-hour Cost Burden to Respondents

IC #	Item	Estimated Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
8	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	10	\$400.00	\$4,000.00
9	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	10	\$400.00	\$4,000.00
	Totals	20	\$8,000.00

Postage Costs

Although the USPTO prefers that the items in this collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 2% of the 501,305 items will be submitted in the mail and that all 600 of the customer number upload spreadsheets will be submitted by mail. The existing first-class postage costs are \$0.49 per submission. In addition, the customer number uploaded spreadsheets are submitted to the USPTO by mail, with a postage rate of \$1.73 per submission.

Table 5: Postage Costs

Item	Responses	Postage Cost	Total Postage Costs
Non-electronic Responses	10,026	\$0.49	\$4,912.74

Customer Number Upload Spreadsheets	600	\$1.73	\$1,038.00
Totals	10,626		\$5,950.74

The non-electronic items in this collection have associated postage costs when submitted by mail for a total of \$5,950.74.

Total

The total (non-hour) respondent cost burden for this collection is estimated to be \$13,950.74 per year, which includes \$8,000 in fees and \$5,950.74 in postage.

14. Annual Cost to the Federal Government

The USPTO employs a GS-5 employee to process submissions for this information collection, except for the Customer Number Upload Spreadsheet, which is processed by a contractor.

The USPTO estimates that the cost of a GS-5, step 1 employee is \$22.59 per hour (GS hourly rate of \$17.38 with 30% (\$5.21) added for benefits and overhead). The USPTO also estimates that the cost of the contractor is \$28.44.

The USPTO estimates that it takes an employee approximately between 12 minutes (0.20 hours) and 1 hour to process the information in this collection.

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection.

Table 6: Burden Hour/Cost to the Federal Government

IC #	Item	Hours (a)	Responses (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Power of Attorney to Prosecute Applications Before the USPTO	0.25 (15 minutes)	4,000	1,000.00	\$22.59	\$22,590.00
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence	0.25 (15 minutes)	350,000	87,500.00	\$22.59	\$1,976,625.00
3	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.25 (15 minutes)	300	75.00	\$22.59	\$1,694.25

4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.25 (15 minutes)	100	25.00	\$22.59	\$564.75
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	0.25 (15 minutes)	70	17.50	\$22.59	\$395.33
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	0.25 (15 minutes)	4,000	1,000.00	\$22.59	\$22,590.00
7	Authorization to Act in a Representative Capacity	0.25 (15 minutes)	750	187.50	\$22.59	\$4,235.63
8	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1	10	10.00	\$22.59	\$225.90
9	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1	10	10.00	\$22.59	\$225.90
10	Change of Correspondence Address for Application or Patent	0.25 (15 minutes)	130,000	32,500.00	\$22.59	\$734,175.00
11	Patent Owner Change of Correspondence Address – Reexamination Proceeding	0.25 (15 minutes)	25	6.25	\$22.59	\$141.19
12	Third Party Requester Change of Correspondence Address – Reexamination Proceeding	0.25 (15 minutes)	40	10.00	\$22.59	\$225.90
13	Request for Customer Number Data Change	0.20 (12 minutes)	1,600	320.00	\$22.59	\$7,228.80
14	Request for Customer Number	0.20 (12 minutes)	8,500	1,700.00	\$22.59	\$38,403.00
15	Customer Number Upload Spreadsheet	0.42 (25 minutes)	600	252.00	\$28.44	\$7,166.88
16	Request to Update a PCT Application with a Customer Number	0.25 (15 minutes)	1,900	475.00	\$22.59	\$10,730.25
	Total	- - - -	501,905	125,088.25	- - - -	\$2,827,217.77

15. Summary of Changes in Burden Since the Previous Renewal

A. Changes in collection since previous OMB approval in 2015

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

- 560,595 responses
- 140,863.80 burden hours
- \$17,650,489 in respondent hourly cost burden
- \$58,976 in annual (non-hour) costs

Changes from the *Federal Register* Notice

No changes.

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:

- 501,905 responses
- 28,479.25 burden hours
- \$4,369,751.25 in respondent hourly cost burden
- \$13,950.74 in annual (non-hour) costs

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$13,290,737.75 (from \$17,650,489 to \$4,369,751.25) from the previous renewal of this collection in January 2015 due to:

- Increases in estimated hourly rates. The 2015 renewal used an estimated rate of \$389 for attorneys and an estimated rate of \$125 for paraprofessionals. For the current renewal, the USPTO is using updated hourly rates of \$438 for attorneys and \$145 for paraprofessionals.
- Decreases in estimated burden hours. The total estimated burden hours has decreased from 140,863.80 in the 2015 renewal to 28,479.25 in the current renewal due to overall decreases 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 decrease by 58,690 (from 560,595 to 501,905) and the total burden hours will decrease by 112,384.55 (from 140,863.80 to 28,479.25). These changes are due to the adjustment of agency estimates.

Changes in Annual (Non-hour) Costs

For this renewal, the UPSTO estimates that the total annual (non-hour) costs will decrease by \$45,025.26 (from \$58,976 to \$13,950.74), with the decrease resulting from agency adjustments due to:

- Decrease of \$45,025.26 in postage costs. The collection is currently approved for \$50,976 in postage costs. This decrease results from increasing electronic submission of items in this collection.

16. Project Schedule

The USPTO does not plan to publish this information for statistical use.

17. Display of Expiration Date of 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.