SUPPORTING STATEMENT
United States Patent and Trademark Office
Public Search Facility User ID and Badging
April 2018

A.   JUSTIFICATION

1.   Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

By statute, the USPTO must maintain the collections arranged to permit searching and retrieval of information. The security and integrity of the files as complete and accurate collections is critical. Destroying, misfiling, or removing documents or subclasses of documents so that others cannot access them seriously damages the integrity of the collection and is direct violation of 18 U.S.C. § 2071.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access accounts to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access account by completing the application at the Public Search Facility reference desk and providing proper identification. The online access account includes a bar-coded user number and expiration date. Users may renew their account by validating and updating the required information and may obtain a reprint of the account information providing proper identification.

Under the authority provided in 41 CFR Part 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with a photograph. The security badges include a color photograph of the user and must be work at all times when at the USPTO facilities.

Table 1 provides the specific statues and regulations authorizing the USPTO to collect the information discussed above.

Table 1: Information Requirements

IC Number	Requirement	Statute	Rule

1-7	PKI Certificate Request and Subscriber Agreement	35 U.S.C. §§ 2 and 122, Article 30 of the Patent Cooperation	

## 2.	Needs and Uses

The public uses this information collection to obtain online access accounts, obtain security identification badges for the Public Search Facility and other office areas of the USPTO, or to sign up for user training courses. The applications for online access accounts and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the relevant item. Renewal or replacement of online access accounts or security badges requires the user's information to be verified and updated as necessary. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

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 Number	Information Collection Item	Form #	Needs and Uses
1	Application for Public User ID (Access Card)	PTO-2030	• Used by the public to request an online access account in order to obtain access the search facility and its online systems. • Used by the public to learn the rules of conduct and to agree to follow them. • Used by the USPTO to identify the status of any existing online access account for the user. • Used by the USPTO to manage the use of the facility and its services.
2	Renewal Online Access Card	PTO-2030	• Used by the public to renew an online access account. • Used by the public to learn the rules of conduct and to agree to follow them. • Used by the USPTO to identify the status of any existing online access account for the user. • Used by the USPTO to update the user record.
3	Replace Online Access Card	PTO-2030	• Used by the public to replace a lost or forgotten online access account information. • Used by the public to learn the rules of conduct and to agree to follow them. • Used by the USPTO to identify the status of any existing online access account for the user. • Used by the USPTO to update the user record and issue a replacement online

			access account information printout.
4	User Training Registration Form	No Form Numbers	• Used by the public to register for classes in using the online search systems. • Used by the USPTO to collect registrations for user training classes.
5	Security Identification Badges for Public Users	PTO-2224	• Used by the public to request a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests for security identification badges and issue the badge to the user.
6	Renew Security Identification Badges for Public Users	PTO-2224	• Used by the public to renew a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests to renew security identification badges for public users.
7	Replace Security Identification Badges for Public Users	PTO-2224	• Used by the public to replace a lost security identification badge. • Used by the USPTO to update the user record and issue a replacement security identification badge.

3.   Use of Information Technology

Currently, the USPTO does not use automated, electronic, mechanical, or other technologies to obtain the information in this collection. The paper applications for the online access accounts and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the access account or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement security badges and access accounts to be quickly reissued upon confirming the identity of the requestor and updating any change information as necessary.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer's identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access accounts and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO has no plan to disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO web site, but, at this time, the USPTO is not collecting the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

4.   Efforts to Identify Duplication

The information is collected only when a customer requests an online access account, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed at the USPTO and are not collected elsewhere. Safeguards within the database software discourage the issuing of multiple online access accounts or security badges to the same person. Replacement online access accounts and security identification badges may be issues upon verifying the user's personal information and updating the database as necessary.

5.   Minimizing Burden to Small Entities

This information collection does not impose a significant economic impact on small entities or small businesses. This information must be provided by the user and is not available from any other source. The same information is required of every application.

6.   Correspondence of Less Frequent Collection

The information is collected only when the public user accesses the public facilities at the USPTO or when the user registers for a training class. The information for the online access accounts and security identification badges is collected only once, on the user's first visit, and allows subsequent visits while the user's account and badge are valid. Obtaining a security identification badge will allow users to access the public facilities without having to sign in manually each time they enter. Annual renewal of the access account or security badge, or replacement when necessary, requires validating, and updating the minimum information as necessary in order to maintain the user records.

If the information for online access accounts and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. 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 January 29th, 2018 (83 Fed. Reg. 4036). The comment period ended on March 30th, 2018. One comment was received. There were four different points made by the commentor in the comment.

One point concurred with the USPTO's burden hour estimates. Another point recommended making the forms electronically available and fillable, which is an enhancement the USPTO is taking under consideration. The remaining comments appear to suggest enhancements to security measures for individuals entering the

facility, such as conducting full background checks and requiring the presentation of two forms of identification (instead of one). These suggestions were considered but not adopted because the additional information are unnecessary and the requirements would be burdensome on Respondents.

The USPTO has long-standing relationships with groups who frequently communicate their views on information collections, including the American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), and International Trademark Association (INTA), as well as business groups, inventor associations, 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.

9. Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

Due to the fact that personal information, such as personal addresses and telephone numbers, is collected, and that a digital photograph of the user is taken and stored in a database, this information collection has been examined under the Privacy Act. An amended Privacy Act System of Records Notice entitled "PAT/TM-18 USPTO Identification and Security Access Control Systems" for security identification badges for individuals who access USPTO facilities was published in the *Federal Register* on December 14, 2014 (69 Fed. Reg. 74502).

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier.

11. Justification for Sensitive Questions

The identifying information being collected is necessary in order to issue a unique online access account for public search facility users and/or a photo identification security badge for access to the public facilities at the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally-stored photographs have become a basic part of all identification badges and have been used for several years in similar systems, such as the Reader Identification Card at the Library of Congress. The online access accounts issued by the Public Search Facility and the identification badges issued by

the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at the USPTO facilities.

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 received approximately 6,250 total responses per year for this collection.

- **Burden Hour Calculation Factors**
  The USPTO estimates that it will take the public approximately 5 minutes (0.08 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

- **Cost Burden Calculation Factors**
  The USPTO expects that the information in this collection will be prepared by both attorneys and paraprofessionals, for an average rate of $291.50 per hour.

  The USPTO uses an attorney rate of $438 per hour, which is the median rate for intellectual property attorneys in private firms as shown in the 2017 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA), and a paraprofessional rate of $145, which is the average rate for paraprofessionals 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 Annual Responses (b)	Burden (hrs/yr) (a) x (b) = (c)	Rate ($/hr) (d)	Total Cost ($/hr) (c) x (d) = (e)
1	Application for Public User ID (Access Card)	0.08 (5 minutes)	1,250	100	$291.50	$29,150.00
2	Renewal Online Access Card	0.08 (5 minutes)	500	40	$291.50	$11,600.00
3	Replace Online Access Card	0.08 (5 minutes)	50	4	$291.50	$1,166.00
4	User Training Registration Form	0.08 (5 minutes)	150	12	$291.50	$3,498.00
5	Security Identification Badges for Public Users	0.08 (5 minutes)	1,000	80	$291.50	$23,320.00

6	Renew Security Identification Badges for Public Users	0.08 (5 minutes)	3,200	256	$291.50	$74,624.00
7	Replace Security Identification Badges for Public Users	0.08 (5 minutes)	100	8	$291.50	$2,332.00
	Total	**- - - -**	**6,250**	**500**	**- - - -**	**0145,750.00**

13.   Total Annual (Non-Hour) Cost Burden

There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. This collection has non-hourly costs burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO.

Fees

There are fees associated with issuing a replacement security identification badge, for a total of $1,500 per year as outlined in Table 4 below.

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

IC Number	Information Collection Instrument	Estimated Annual Responses (a)	Filing fee ($) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
7	Replace Security Identification Badges for Public Users	100	$15.00	$1,500.00
Total	…………………………………………..		……………………	**$1,500.00**

Postage Costs

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately 4 training forms will be submitted by mail each year. The USPTO estimates that the average first-class postage costs for a mailed training form will be $0.49, for a total postage cost of $1.96 per year for this collection.

Total

The total (non-hour) respondent cost burden for this collection is estimates to be $1,501.96 per year, which includes $1,500 in fees and $1.96 in postage costs.

14.   Annual Cost to the Federal Government

The USPTO employs a GS-6 employee to process and issue security identification badges for public users and a GS-8 employee to process the applications and associated actions with the online access accounts.

The USPTO estimates that the cost of a GS-6, step 3 employee is $27.48 per hour (GS hourly rate of $21.14 with 30% ($6.34) added for benefits and overhead). The USPTO also estimates that the cost of a GS-8, step 1 employee is $31.71 per hour (GS hourly rate of $24.39 with 30% ($7.32) added for benefits and overhead).

The USPTO estimates that it takes employees between 1 minute (0.02 hours) and 5 minutes (0.08 hours) to complete the processing and issuing of security identification badges and online access accounts.

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

Table 5: Burden Hour/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	Application for Public User ID (Access Card)	0.08 (5 minutes)	1,250	100	$31.71	$3,171.00
2	Renewal Online Access Card	0.08 (5 minutes)	500	40	$31.71	$1,268.40
3	Replace Online Access Card	0.08 (5 minutes)	50	4	$31.71	$126.84
4	User Training Registration Form	0.08 (5 minutes)	150	12	$31.71	$380.52
5	Security Identification Badges for Public Users	0.08 (5 minutes)	1,000	80	$27.48	$2,198/40
6	Renew Security Identification Badges for Public Users	0.02 (1 minute)	3,200	64	$27.48	$1,758.72
7	Replace Security Identification Badges for Public Users	0.02 (1 minute)	100	2	$27.48	$54.96
	Total	- - - -	**6,250**	**302**	- - - - -	**$8,958.84**

15.   Reason 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:

- 5,785 responses
- 542 burden hours
- $115,463.75 in respondent hourly cost burden
- $1,502 in annual (non-hour) costs

There were no changes to this collection since OMB approval in 2015.

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:

- 6,250 respondents
- 500 burden hours
- $145,750 in respondent hourly cost burden
- $1,501.96 in annual (non-hour) costs

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has increased by $30,286.25 (from $115,463.75 to $145,750) from the previous renewal of this collection in April 2015:

- Increase in hourly rates. The 2015 renewal used an estimated rate of $213 per hour for respondents to this collection, which came from the estimated attorney rate of $389 per hour and the paraprofessional rate of $125 per hour. For the current renewal, the USPTO is using updated hourly rates of $438 for attorneys and $145 for paraprofessionals, which yields a revised average of $291.50 per hour for respondents.

- Increases in estimated burden hours. The total estimated burden hours have decreased from 542 in the 2015 renewal to 500 in the current renewal due to adjustments of the estimated response time. In the collection's 2015 renewal, IC line 1, Application for Public User ID (Access Card), was estimated to take 10 minutes (0.16 hours) to complete. For this renewal, the burden estimate was revised to 5 minutes (0.08 hours), which accounts for the decrease in the burden estimate.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 465 (from 5,785 to 8,250) and the total burden hours will decrease by 42 (from 542 to 500) from the currently approved burden for this collection.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will decrease by $0.04 (from $1,502 to $1,501.96).

16.   Project Schedule

The USPTO does not plan to publish this information for statistical use. However, patent and trademark assignment records are available to the public at the USPTO Public Search Facilities and on the USPTO Web site.

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 STATISTICAL METHODS

This collection of information does not employ statistical methods.