

SUPPORTING STATEMENT
United States Patent and Trademark Office
USPTO Ombudsman Survey
OMB CONTROL NUMBER 0651-0078
May 2018

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) designed and developed the Patents Ombudsman Program in response to customer feedback that the prosecution of patent applications does not always proceed in accordance with established procedures. In some situations, the patent applicants, attorneys, and agents have felt that examination has stalled and their efforts to move their applications forward through the normal channels have not been effective. The objectives of the Patents Ombudsman Program are: (1) to facilitate complaint-handling for pro se applicants and applicant's representatives whose applications have stalled in the examination process; (2) to track complaints to ensure each is handled within ten business days; (3) to provide feedback and early warning alerts to USPTO management regarding training needs based on complaint trends; and (4) to build a database of frequently asked questions accessible to the public that give commonly seen problems and effective resolutions.

The USPTO Ombudsman Survey is a key component of the process evaluation, providing a program monitoring system and identifying potential opportunities for program enhancement. This survey is being conducted by the USPTO's Ombudsman Program and will be developed, administered, and summarized by USPTO personnel. A survey is the only way the USPTO can gain consistent, reliable, and representative information from the customers choosing to use the Ombudsman Program.

2. Needs and Uses

The USPTO uses the survey results to determine program effectiveness and whether any modifications are necessary to increase the effectiveness. The initial respondent pool covers all inquiries for Ombudsman Program assistance in the most recent Fiscal Year. The USPTO expects 350 - 550 inquiries to the Ombudsman Program per month during a Fiscal Year, or approximately 5,000 annual inquiries. However, roughly 40% are for issues unrelated to the Ombudsman program, e.g. questions on Patent filings procedures, fees, publications, or specific Patent program initiatives. These inquiries are forwarded by the General Ombudsman Office to other Patent Offices or personnel outside the Ombudsman program. The purpose of the USPTO Ombudsman Survey is to measure the effectiveness of Ombudsman personnel in facilitating the examination of a patent. Therefore the final pool is narrowed to approximately 3,000 inquiries whose concerns are addressed directly by Ombudsmen personnel – either the General

Ombudsman or Ombudsmen within each Technology Center (TC). The 3,000 inquiries can come from single or multiple use customers. Program users will be selected only once regardless of the number of times they used the program. The respondent pool will be constructed by extracting all records in the Ombudsman database and then subjecting it to a matching program to identify repeat users. Customers' first usage of the system will be identified as the primary record and all duplicate records will be removed before the selection process. The survey instrument will collect data regarding the number of inquiries made by each customer for any post-stratification needs. Based on prior surveys, each respondent averaged 1.7 Ombudsman inquiries. Therefore, the final respondent pool from the 3,000 inquiries would likely be around 1,800 unique customers. Assuming a 60% response rate, 1,100 of the 1,800 unique customers will respond which should ensure adequate representation across all TCs.

There are no statutes or regulations requiring the USPTO to conduct this usage and satisfaction measurement. The USPTO will use the survey instrument to implement Executive Order 12862 of September 11, 1993, Setting Customer Service Standards, published in the Federal Register on September 14, 1993 (Vol. 58, No. 176).

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 1 outlines how the information is used by the public and by the USPTO. No forms are associated with this collection.

Table 1: Needs and Uses of the Ombudsman Survey

Form and Function	Form #	Needs and Uses
Ombudsman Survey	No Form Number	<ul style="list-style-type: none"> • Used by the public to evaluate Ombudsman process. • Used by USPTO to gauge the effectiveness of the Ombudsman program.

3. Use of Information Technology

A link to the online Ombudsman survey instrument will be emailed to program users. Email addresses are gathered from the contact information associated with the Ombudsman inquiry in question. The survey period will be open for a period of five weeks. Customers that do not respond within the initial three weeks will receive a second email notification requesting participation. There will not be any additional follow-up conducted for this survey. Responses will be used to compile summary statistical reports only. The USPTO will only report the aggregated data and the frequency of responses. Individual responses will be /only used in aggregated totals, to the extent permitted by law. Assurances will be included in the online survey form and within the email notifications. The survey is voluntary and is not mandated by law. The survey forms will be retained per the USPTO's record retention schedule.

4. Efforts to Identify Duplication

Since identifying email addresses are gathered from the survey users, no duplication of effort or information collection is expected.

5. Minimizing the Burden to Small Entities

This information is requested by the USPTO and is the minimum needed to process the Ombudsman Survey. This collection of information does not impose a significant economic impact on small entities or small businesses. The same information is required of every user and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only during the single survey period in question. 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 March 19, 2018 (82 Fed. Reg. 11993). The public comment period ended on May 18, 2018. No public comments were received.

9. Payment or Gifts to Respondents

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

10. Aggregated Totals

Responses will be used to compile summary statistical reports only. The USPTO will only report the aggregated data and the frequency of responses. Individual responses will be only used in aggregated totals, to the extent permitted by law. Assurances will be included on the survey form and in the cover letter. The survey is voluntary and is not mandated by law. The survey forms will be retained per the USPTO's record retention schedule.

11. Justification for Sensitive Questions

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

12. Estimate of Hour and Cost Burden to Respondents

Table 2 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 approximately 1,100 survey responses will be received annually.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately 5 minutes (0.83 hours) to gather and prepare the necessary information, answer the questions, and submit the survey.
- **Cost Burden Calculation Factors**
The USPTO believes that both professionals and paraprofessionals will complete these surveys, at a rate of 75% of the current professional rate of \$438 per hour and 25% of the para-professional rate of \$145 per hour. The hourly rate for professionals, calculating 75% of \$438, totals \$328.50, while the hourly rate for the para-professionals, calculating 25% of \$145, totals \$36.25, for a combined hourly rate of \$364.75.

Table 2: Burden Hour/Burden Cost to Respondents for the Ombudsman Survey

Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Ombudsman Survey	5	1,100	91.67	\$364.75	\$33,435.42
Total	---	1,100	91.67	---	\$33,435.42

13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, 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-14, step 1, approximately 35 hours to build and maintain the survey instrument, as well as data analysis and reporting; and a GS-13, step 1, approximately 3 hours to administer the survey and conduct follow-up activities.

The hourly rate for a GS-14, step 1, is currently \$54.91 according to the U.S. Office of Personnel Management's (OPM's) 2018 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-14, step 1, is \$71.38 (\$54.91 + \$16.47).

The hourly rate for a GS-13, step 1, is currently \$46.46 according to the U.S. Office of Personnel Management's (OPM's) 2013 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate

(benefits and overhead), the rate per hour for a GS-13, step 1, is \$60.40 (\$43.52 + \$13.94).

Table 3 calculates the processing hours and costs for an Ombudsman survey to the Federal Government.

Table 3: Burden Hour/Burden Cost to the Federal Government for the Ombudsman Survey

Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Ombudsman Survey					
GS-14, step 1	0.03	1,100	35	\$71.38	\$2,498.65
GS-13, step 1	0.002	---	3	60.40	\$181.20
Total	---	1,100	38	---	\$ 2,679.85

15. Reason for Change in Burden

A. Changes in Collection since previous OMB approval in 2015

OMB previously approved this information collection in May 2015. The current collection contains:

- 1,100 responses
- 91.67 burden hours
- \$29,608.33 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:

- 1,100 responses
- 91.67 burden hours
- \$33,435.42 in respondent hourly cost burden
- \$0 in annual (non-hour) costs

Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$3,827.09 (from \$29,608.33 to \$33,435.42) from the previous renewal of this collection in May 2015:

- **Increase in the hourly rate.** The 2015 collection used an estimated rate of \$323.00 per hour. For the current renewal, the USPTO is using an updated hourly rate of \$364.75.

16. Project Schedule

There is no plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

Burden statements in the collection will display the proper OMB Control Number and the OMB expiration date.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.