

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patents for Humanity Program**  
**OMB CONTROL NUMBER 0651-0066**  
**November 2018**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

In 2012, the United States and Trademark Office (USPTO) conducted a voluntary pilot program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The pilot program, notice of which was published in the Federal Register (77 Fed. Reg. 6544) in February 2012, was a follow-up to the responses received from the agency's "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System" – published September 20, 2010 – and was open to any patent owners or patent licenses, including inventors who had not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. The USPTO collected information from applicants that described what actions they had taken with their patented technologies for humanitarian purposes. After reviewing the results of the pilot, the program was renewed as an annual program in April 2014. Currently, there are five categories in which applications can be categorized: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards.

To participate in this program, applicants must submit an application describing how their actions satisfy the competition criteria to address humanitarian issues. The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. The applications are reviewed by independent judges. A selection committee composed of representatives from other federal agencies and laboratories will make recommendations for the awards based on the judges' review.

Those applicants who are selected for an award will receive a certificate redeemable to accelerate select matters before the USPTO and public recognition of their efforts, including an awards ceremony at the USPTO. The certificates can be redeemed to accelerate one of the following matters: an *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. The certificates cannot be transferred to other parties. Should a certificate recipient wish to extend the time period during which their award certificate can be redeemed, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate.

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

**Table 1: Information Requirements**

Requirement	Statute	Rule
Humanitarian Program Application	35 U.S.C. § 3(a)(2)	37 CFR 1.102
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	35 U.S.C. § 3(a)(2)	37 CFR 1.102

## 2. Needs and Uses

The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. One application covers the humanitarian uses of technologies or products and the other application covers humanitarian research. In addition, there is a form that allows applicants to provide their contact information which the USPTO uses to notify applicants that they have been selected for an award. These applications may be up to five pages long and can be supplemented with additional supporting materials. The applications must be submitted electronically through the competition website.

Applicants who are ultimately awarded a Humanitarian Award Certificate may wish to extend the redemption period of that certificate. In the event that an applicant wishes to extend that time period, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate. The petition is a one-page document which allows the applicant to request a 12-month extension of their certificate's redemption period based on criteria outlined on the form (e.g. lack of a suitable matter, a pending matter is not yet ripe for certificate redemption, etc.).

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**

Forms and Function	Form #	Needs and Uses
Humanitarian Program Application (Humanitarian Use)	PTO/PFH/001	<ul style="list-style-type: none"> <li>Used by the applicant to apply for participation in the Patents for Humanity Program.</li> <li>Used by the applicant to provide their contact information to the USPTO.</li> <li>Used by external judges to recommend award recipients.</li> <li>Used by the selection committee to make recommendations for award recipients.</li> <li>Used by the USPTO to award a certificate to the</li> </ul>

		selected recipients.
Humanitarian Program Application (Humanitarian Research)	PTO/PFH/002	<ul style="list-style-type: none"> <li>• Used by the applicant to apply for participation in the Patents for Humanity Program.</li> <li>• Used by the applicant to provide their contact information to the USPTO.</li> <li>• Used by external judges to recommend award recipients.</li> <li>• Used by the selection committee to make recommendations for award recipients.</li> <li>• Used by the USPTO to award a certificate to the selected recipients.</li> </ul>
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	PTO/SB/431	<ul style="list-style-type: none"> <li>• Used by the certificate holder to petition the USPTO to extend the redemption period of the certificate after it expires.</li> <li>• Used by the USPTO to grant the extension of the redemption period for the certificate.</li> </ul>

### 3. Use of Information Technology

The applications for participation in the Patents for Humanity Program are submitted electronically to the USPTO through the Patents for Humanity competition website (<https://www.uspto.gov/patent/initiatives/patents-humanity/how-apply>). After the applications are screened for inappropriate material, they will be available on the USPTO's public website.

### 4. Efforts to Identify Duplication

This information is collected only when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Program. It does not duplicate information or collection of data found elsewhere.

### 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 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

The information is collected only when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive and non-exclusive licenses apply for participation in the Patents for Humanity Program. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not

collected, the USPTO would not be able to present the award and fulfill the requirements of the program.

## **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 September 5<sup>th</sup>, 2018 (83 Fed Reg. 45108). The comment period ended on November 4<sup>th</sup>, 2018. No comments were received.

The USPTO consults with the Public Advisory Committees, which were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and the Director of the USPTO on the management of the patent and trademark operations. The Advisory Committees consist of the United States citizens chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance, budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.

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 our public search facilities. Their views are expressed in regularly scheduled meetings and are 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 Respondents**

This information collection does involve an award to select respondents. For patent holders whose applications are chosen as the best examples of advancing humanitarian goals, the USPTO will award them a certificate for acceleration of certain matters before the agency.

## **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.

## **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 55 total responses per year for this collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately four hours to complete the humanitarian program application. Those selected as winners (about 5 to 10 per year) may additionally require one hour to complete a petition to extend their acceleration certificate redemption beyond 12 months, if needed. These estimated times include the time to gather the necessary information, preparing the application and any supplemental materials, and submitting the completed request to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO expects that the information in this collection will be prepared by both attorneys and paralegals for an average rate of approximately \$291.50 per hour.

The USPTO uses a professional rate of \$438 for intellectual property attorneys in private forms as shown in the 2017 *Report on the Economic Survey*, published by the American Intellectual Property Law Association (AIPLA).

The USPTO also uses a professional rate of \$145 for paralegals, as established in the 2016 *National Utilization and Compensation Survey Report*, published by the National Association of Legal Assistants (NALA).

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

IC Number	Item	Estimated Response Time (Hours) (a)	Estimated Responses (b)	Estimated Annual Burden Hours (c) (a) x (b)	Rate (d)	Estimated Total Cost (e) (c) x (d)
1	Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001)	4	25	100	\$291.50	\$29,150.00
1	Humanitarian Program Application (Humanitarian Research) (PTO/PFH/0002)	4	25	100	\$291.50	\$29,150.00
2	Petition to Extend the Redemption Period of the Humanitarian Award Certificate (PTO/SB/431)	1	5	5	\$291.50	\$1,475.50
	<b>Total</b>		<b>55</b>	<b>205</b>		<b>\$59,757.50</b>

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

This collection has no annual (non-hour) postage, operation, maintenance, or filing fee costs.

### 14. Annual Cost to the Federal Government

The USPTO employs a GS-9 and a GS-11 to processing applications for this information collection.

The USPTO estimates that the cost of a GS-9, step 1 employee is \$35.02 (GS hourly rate of \$26.94 with 30% (\$8.08) added for benefits and overhead) and that the cost of a GS-11, step 1 employee is \$42.38 (GS hourly rate of \$32.60 with 30% (\$9.78) added for benefits and overhead).

The USPTO estimates that it takes an employee between 5 minutes (0.08 hours) and 10 minutes (0.17 hours) to review the applications and the petitions.

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection:

IC #	Item	Hours (a)	Responses (yr) (b)	Burden (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Humanitarian Program Application (Humanitarian Use); PTO/PFH/001	0.08 (5 minutes)	25	2.00	\$35.02	\$70.04
1	Humanitarian Program Application (Humanitarian Research); PTO/PFH/002	0.08 (5 minutes)	25	2.00	\$35.02	\$70.04
2	Petition to Extend the Redemption Period of the Humanitarian Awards Certificate; PTO/SB/431	0.17 (10 minutes)	5	0.85	\$42.38	\$36.02
	<b>Total</b>		<b>55</b>	<b>4.85</b>		<b>\$176.10</b>

### 15. Reason for Change in Burden

#### A. Changes in Collection since previous OMB renewal in 2015

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

- 110 responses
- 410 burden hours
- \$80,290.00 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:

- 55 responses
- 205 burden hours
- \$59,757.50 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 decreased by \$20,532.50 (from \$80,290 to \$9,757.50) from the previous renewal of this collection in November 2015:

- Increases in estimated hourly rates. The 2015 renewal used an estimated rate of \$191 per hour for respondents to this collection, which was an average of 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 estimated rate of \$291.50 per hour for respondents.
- Decreases in estimated burden hours. The total estimated burden hours have decreased from 410 in the 2015 renewal to 205 for 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 55 (from 110 to 55) and the total burden hours will decrease by 205 (from 410 to 205) from the currently approved burden for this collection.

#### Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that there will be no change in the total 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.