

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patents External Quality Survey
OMB Control Number 0651-0057
April 2019

A. JUSTIFICATION

1. Necessity of Information Collection

Since 2006, the United States Patent and Trademark Office (USPTO) has used surveys to obtain customer feedback regarding the products, services, and related service standards of the USPTO. The USPTO used the data to measure how well the agency is meeting established customer service standards, to identify any disjoints between customer expectations and USPTO performance, and to develop improvement strategies. Typically, these surveys asked customers to express their satisfaction with the USPTO's products and services based upon their interactions with the agency as a whole over a 12-month period.

In order to obtain further data concerning customer ratings of the USPTO's services, service standards, and performance, the USPTO developed the Patents External Quality Survey. This survey narrows the focus of customer satisfaction to examination quality. The USPTO partners with Westat, an independent research firm, to administer the Patents External Quality Survey.

This survey uses a longitudinal, rotating panel design to assess changes in customer perceptions and to identify key areas for examiner training and opportunities for improvement. All patent agents and attorneys who have been registered to practice before the USPTO for longer than one year and who belong to a firm that has filed more than six patents in the past year will be eligible for the study. The study will also include independent inventors who have filed six or more patents in the past year. The USPTO will draw a random sample of these customers from their database. Due to the rotating panel design, some sample members will be surveyed twice in order to measure change over a period of time. Each year of the survey will include two waves of data collection.

The USPTO plans to survey patent agents, attorneys, and other individuals from large domestic corporations (including those with 500+ employees), small and medium-size businesses, universities and other non-profit research organizations, and independent inventors. The USPTO does not plan to survey foreign entities.

This is a voluntary survey. The collected data will not be linked to the respondent and contact information that is used for sampling purposes will be maintained in a separate file from the quantitative data. Respondents are not required to provide any identifying information such as their name, address, or Social Security Number.

There are no statutes or regulations requiring the USPTO to conduct these customer surveys. The USPTO uses surveys to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (58 FR, 176).

2. Needs and Uses

The Patents External Quality Survey is primarily a mail survey, although respondents also have the option to complete the survey electronically on the web. The content of the two versions of the survey will be identical. Respondents can choose whether to mail the completed survey back to the USPTO's survey contractor (Westat) or respond to the survey online through Westat's secure website.

A pre-notification letter describing the study and asking for participation will be sent to all sample members. This letter will be followed in 2-3 business days by a survey packet containing the questionnaire, a separate cover letter prepared by the Commissioner of Patents that explains the purpose of the survey, and a postage-paid, pre-addressed return envelope. Instructions for completing the survey electronically will also be included in the packet. These instructions will include details for accessing the survey online through Westat's website and provide a username, password and 5-digit survey ID number that respondents will need to access the electronic survey. One week after the survey mailing, a reminder/thank you postcard will also be mailed to all sample members.

One week after the reminder/thank you postcard is sent, all sample members who have not completed the survey will receive a follow-up non-response prompting telephone call. The primary purpose of these phone calls is to remind non-respondents of the survey date and to answer any questions that they may have concerning the survey. Because these calls are intended as prompting calls, messages will be left if respondents are not available. Westat will not make repeated phone calls if a message was left on an answering machine or with a receptionist/secretary, etc. The Westat telephone staff will encourage survey non-respondents to complete the survey using the web option in order to expedite completion of the survey. The survey non-respondents will not be asked to complete the survey over the telephone with the Westat telephone staff since this survey is not intended to be administered over the telephone. A suggested script has been developed to ensure that all of the staff conducting the follow-up phone calls ask the same questions, in the same manner.

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 OMB information quality guidelines.

Table 1 outlines how this collection of information is used by the public and the USPTO:

Table 1: Needs and Uses of Information Collected from the Patents External Quality Survey

Form and Function	Form #	Needs and Uses
Patents External Quality Survey (paper and electronic survey)	No Form Associated	<ul style="list-style-type: none">• Used by individuals who work at firms that file more than 6 patent applications a year to provide the USPTO with their perceptions of examination quality.• Used by the USPTO to gather feedback to assist them in targeting key areas for examination quality improvement and identify important areas for examiner training.

3. Use of Information Technology

Currently, the USPTO does not generally use mechanical or other technological collection techniques to collect responses to surveys. However, those respondents who choose to respond to the Patents External Quality Survey can do so electronically. Although the Patents External Quality Survey is primarily a mail survey, the USPTO has expanded it to be a combined paper and Internet format. Respondents can choose to mail their survey to Westat, or they can provide their responses electronically over the Internet. The cover letter that accompanies the survey provides the web survey URL, instructions for completing the survey online through the survey contractor's (Westat's) secure website, and the username and password for the survey.

At this time, the USPTO does not plan to disseminate any of the information collected from the surveys electronically. As more of these surveys are conducted, the USPTO will reevaluate whether this would be beneficial. The USPTO may choose to share particular findings with the public through normal communication vehicles such as lectures and general office publications, but there are no plans for a survey-specific formal report to be distributed to respondents or the public at large.

4. Efforts to Identify Duplication

This information is collected only when sampled respondents at organizations who file more than six patents a year respond to the Patents External Quality Survey. Currently, there are no available methods to gather the type of information proposed by this survey directly from USPTO customers. The survey questions relate directly to customers' perceptions of examination quality, as well as information about the customers' frequency of contact with the USPTO. This information is not generally available from other sources and is not collected elsewhere. Therefore, this collection does not create a duplication of effort.

5. Minimizing the Burden to Small Entities

In an effort to minimize burden, the number of questions are limited to the minimum required to obtain useful information. All sizes of businesses and individual customers will participate in these various surveys to accurately portray customer requirements and service quality.

It is important to include small businesses in these surveys because the USPTO wants to encourage their use of the patent systems. However, as the sample selection is designed to include individuals located at top-filing firms, small businesses will only be included in the sample if they submit more than six patent applications a year. Furthermore, the sampling rate for individuals working at businesses submitting a higher number of patent applications per year (i.e., more than 40) is greater than for individuals working at businesses who submit a lower number of patent applications a year. Under this sampling design, the Patents External Quality Survey sample will primarily concentrate upon individuals at large, top-filing organizations.

6. Consequences of Less Frequent Collection

The information collected from the Patents External Quality Survey is needed on a semi-annual basis so that the USPTO can identify problems with examination quality and work to resolve these issues in a timely manner. Timely, valid information on customer assessment of the USPTO's performance is needed in order for the USPTO to accomplish these measures. While the survey was initially conducted on a quarterly basis, in order to reduce costs to the Federal Government and based on the current use of the survey data and ability of the USPTO to implement changes, the USPTO decided to conduct this survey on a semi-annual basis. If this information was collected less frequently, the USPTO would not be able to generate a reliable measure of examination quality on a continuing basis.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

The 60-Day *Federal Register* Notice was published on February 1, 2019 (84 FR 1072). The public comment period ended on April 4, 2019. No public comments were received.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. This survey is voluntary, so the respondent is not required to answer the questions.

10. Assurance of Confidentiality

Data collected from the surveys will not be linked to the respondents in any way. All contact information collected from the questionnaire will be maintained in a separate electronic file from the quantitative and qualitative data. At the end of the data collection, three files will be maintained by the survey contractor (Westat). One file will contain respondent contact information and will establish a current and continuous sample file for use in future survey administrations. The second file will contain the

aggregate quantitative data and will be delivered to the USPTO. The third file will contain the qualitative data generated from the one open-ended survey item: this data will consist of verbatim text written by the survey respondent. Once the three files are created, respondent information will not be realigned with the data collected.

Applicants can also choose to complete their survey online through Westat's website. A generic username and password is needed to access the survey. Additionally, each respondent is assigned a unique 5-digit identification number. The username, password, and survey ID numbers are generated by Westat and provided to the respondent in the prenotification letter and the cover letter that is sent with the mail survey.

Respondents will have the option of providing Westat with their e-mail address upon completion of both the mail and online versions of the survey. Respondents may be selected no more than twice to participate in the survey during the field period. Due to the panel design of the Patents External Quality Survey, respondents may be selected to complete this survey more than once. If respondents choose to provide Westat with their e-mail address, they will receive future survey mailings by e-mail, should they be selected in a subsequent wave of data collection. This e-mail address will be appended to the file of respondent contact information.

Information collected will be kept private, to the extent of the law. Responses will be reported in aggregate summary format only and any data collected will not be linked to the actual respondent.

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 displays the burden hours and costs of this information collection to the public for each year of the study, based on the following calculation factors:

- **Respondent Calculation Factors**

Out of a sample size of 2,500 for each wave of data collection, the USPTO estimates that 1,250 completed surveys will be received, for a response rate of 50%. This estimate was based on the response rates of the previous survey waves that the USPTO has conducted. Each year of the survey will include two waves of data collection with an estimated 2,500 completed surveys received annually (1,250 completed surveys x 2 waves of the survey). Of this total, the USPTO estimates that 8% (254) of the surveys will be returned by mail and that 88% (2,728) of the surveys will be completed using the online option. The USPTO estimates that 75 of the surveys will be submitted by small entities.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately ten minutes (0.17 hours) to complete either the paper or online version of this survey. This estimated time includes gathering the necessary information, completing the survey, and submitting it to the USPTO.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO expects that patent attorneys will be completing these surveys. The USPTO uses a professional rate of \$438 per hour for the attorney respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the *2017 Report of the Economic Survey* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency believes \$438 is an accurate estimate of the cost per hour to collect this information.

Table 2: Burden Hour/Burden Cost to Respondents (Year One)

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Patents External Quality Survey	0.17	325	54.17	\$438.00	\$23,726.46
Electronic Patents External Quality Survey	0.17	2,175	362.50	\$438.00	\$158,775.00
Total	- - -	2,500	416.67	- - -	\$182,501.46

13. Total Annualized Cost Burden

There are no annual (non-hour) costs associated with this information collection. Respondents do not need to submit filing fees with these surveys. The USPTO covers the costs of all survey materials and provides postage-paid, pre-addressed return envelopes for the completed mail surveys so there are no postage costs associated with this information collection. Therefore, this information collection does not impose any additional annual (non-hour) costs on the respondent.

14. Annual Cost to the Federal Government

The USPTO has hired a contractor to conduct the Patents External Quality Survey, so this survey is not conducted or processed by USPTO personnel. The USPTO estimates that the contractor (Westat) will spend about \$182,884 per wave of data collection, or

\$365,767 per year. These costs include developing, conducting, and processing the survey. This estimate includes various tasks such as processing the related survey correspondence, performing data entry tasks, sampling, analyzing the data gathered, and preparing reports on the findings. This estimate also includes all labor costs and other direct costs. This is a significant cost reduction from the initial two years of data collection.

15. Reason for Change in Burden

A) Changes in collection since previous renewal in 2016

OMB previously approved this collection in March 2016. That renewal contained:

- 3,100 responses
- 516.67 burden hours
- \$211,833.33 in respondent costs
- \$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 new proposed collection contains an estimated:

- 2,500 responses
- 416.67 burden hours
- \$182,501.46 in respondent (hourly) costs
- \$0 in annual (non-hour) costs

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$29,331.87 (from \$211,833.33 to \$182,501.46) due to the decrease in responses.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 600 (from 3,100 to 2,500) and the total burden hours will increase by 100 (from 516.67 to 416.67) from the currently approved burden for this collection.

Changes in Annual (Non-Hour) Costs

There are no changes in non-hourly costs for this renewal.

16. Project Schedule

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

After each wave of data collection is completed, a report summarizing the results of the survey will be prepared by the USPTO's contractor. At the end of each year of data collection, a more in-depth summary report will be prepared by Westat to discuss changes in examination quality across the waves of data collection. The primary audience of this report is the USPTO.

The primary goal is to measure change in examination quality over a fixed period of time. Respondents will be asked to evaluate their perceptions of examination quality and their recent interactions with the USPTO. Results will be used as part of USPTO's overall quality measurement program.

The USPTO estimates a start date of Friday, July 5, 2019 for the various activities related to the renewed Patents External Quality Survey. A projected schedule for the initial survey under this clearance is provided below:

Wave 30 (July 2019)

Task	Due Date
Mail pre-notification letters	Friday, July 5
Launch EQS web survey	Monday, July 8
Mail survey booklet packages	Friday, July 12
Mail reminder postcards	Wednesday, July 24
Begin telephone non-response prompting	Monday, July 29
Close data collection	Monday, August 19
Deliver Bi-annual report to USPTO	Monday, September 23

17. Display of Expiration Date of OMB Approval

The Patents External Quality Survey includes the OMB Control Number and the expiration date.

18. Exception to the Certificate Statement

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