

SUPPORTING STATEMENT
United States Patent and Trademark Office
International Work Sharing
OMB CONTROL PROGRAM 0651-0079
February 2019

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) established a Work Sharing Program, called the Collaborative Search Pilot (CSP). Due to the success of the first iteration, the USPTO implemented a follow-on, called the Expanded CSP. Like in the first iteration, the USPTO collaborated with the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO) to study how the exchange of search results between offices for corresponding counterpart applications improves patent quality and facilitates the examination of patent applications in both offices. Through the CSP, each office concurrently conducts searches on corresponding counterpart applications. Each office’s search results are exchanged, providing examiners with a comprehensive set of art before them at commencement of examination.

Work sharing between Intellectual Property (IP) offices is critical for increasing the efficiency and quality of patent examination worldwide. The exchange of information and documents between IP offices also benefits applicants by promoting compact prosecution, reducing pendency, and supporting patent quality by reducing the likelihood of inconsistencies in patentability determinations among IP offices when considering corresponding counterpart applications. The gains in efficiency and quality are achieved through a collaborative work sharing approach to the evaluation of patent claims. As a result of this exchange of search reports, the examiners in both offices may have a more comprehensive set of references before them when making an initial patentability determination.

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	Rules
1	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO	35 U.S.C. § 119	37 CFR 1.55 and 1.102(a)
2	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO	35 U.S.C. § 119	37 CFR 1.55 and 1.102(a)
3	CSP Survey	N/A	N/A

2. Needs and Uses

The public who uses this information collection are applicants who file applications in the USPTO, JPO, and KIPO. They do so in order to participate in the International Work Sharing Program. The Program enables its participants to engage in the exchange of IP documents between the United States, Japan, and Korea to facilitate efficient worldwide patent examinations.

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 this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

IC Number	Form and Function	Form #	Needs and Uses
1	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO	PTO/SB/437	<ul style="list-style-type: none"> Used by patent applicants to request participation in the CSP Program between JPO, KIPO, and USPTO. Used by USPTO to process the participation request.
2	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO	PTO/SB/437	<ul style="list-style-type: none"> Used by patent applicants to request participation in the CSP Program between JPO, KIPO, and USPTO. Used by USPTO to process the participation request.
3	CSP Survey	PTO/SB/CSP Survey 1	<ul style="list-style-type: none"> Used by the program participants to provide feedback on the Pilot's value and use. Used by USPTO to determine the benefits of the Pilot Program.

3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO website in Portable Document Format (PDF) and filled out electronically. Requests to participate in the International Work Sharing Program must be submitted online using EFS-Web, the USPTO's web-based electronic filing system.

EFS-Web 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. 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.

4. Efforts to Identify Duplication

The information collected is required to process requests to participate in the International Work Sharing Program. This information is not collected elsewhere and does not result in a duplication of effort. If any of the documents required for participation in the programs have already been filed in the U.S. application, the applicant will not need to resubmit those documents and may simply indicate in the request for participation when the documents were previously filed.

5. Minimizing Burden to Small Entities

This collection does not impose a significant economic burden on small entities or small businesses. The information required by this collection provides the USPTO with the necessary materials for expediting the examination of applications that are eligible for the Program. The same information is required from every applicant and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only when the public submits a request to participate in the International Work Sharing Program. This information could not be collected less frequently. If this information were not collected, the USPTO would not be able to fulfill its obligations under these programs and provide the ensuring examinations benefits to eligible applicants.

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 25, 2018. The comment period ended on November 27, 2018. No comments were received.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Association (AIPPLA), as well as patent bar associations, independent inventor groups, and users of our public search facilities. Their views were expressed in regularly scheduled meetings and considered in 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. Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

The confidentiality of international patent applications is covered by PCT Articles 30 and 35, U.S.C. § 122, and 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. Until international publications (18 months after the priority date), no third party or authority is allowed access to the international patent application unless such access is requested or authorized by the applicant. If the applicant withdraws the application before international publication, such publication does not take place. 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.

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 300 total responses per year for this collection.

The USPTO estimates that all of the responses for this collection will be submitted electronically to the USPTO.

- **Burden Calculation Factors**

The USPTO estimates that it will take the public approximately between 5 minutes (0.08 hours) and 3 hours to complete the information in this collection, including the time gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO.

- **Cost Burden Calculation Factors**

The UPSTO uses a professional hourly rate of \$438 per hour for respondent cost burden calculations, which is the median rate of 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).

Table 3: Burden Hour/Burden Cost to Respondents

IC Number	Item	Estimated Time for Response (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (c) (a) x (b)	Rate (d)	Estimated Annual Total Cost (e) (c) x (d)
	Petition for Participation in the	3	50	150	\$438.0	\$65,700.00

1	Collaboration Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO				0	
2	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO	3	100	300	\$438.00	\$131,400.00
3	CSP Survey	0.08 (5 minutes)	150	12	\$438.00	\$5,256.00
	Total		300	462		\$202,356.00

13. Total Annual (Non-hour) Cost Burden

There are no estimated filing fees or postage costs for this collection.

14. Annual Cost to the Federal Government

The USPTO employs a GS-9 to process submissions for this information collection.

The USPTO estimates that the cost of a GS-9, step 7 employee is \$42.03 per hour (GS hourly rate of \$32.33 with 30% (\$9.70) added for benefits and overhead).

The USPTO estimate that it takes an employee approximately between 1 minute (0.02 hours) and 1 hour to process the materials in this collection.

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

Table 4: Burden Hour/Cost to the Federal Government

IC Number	Item	Estimated Time for Response (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (c) (a) x (b)	Rate (d)	Estimated Annual Total Cost (e) (c) x (d)
1	Petition for Participation in the Collaboration Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO	0.50 (30 minutes)	50	25	\$42.03	\$1,050.75
2	Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO	1	100	100	\$42.03	\$4,203.00
3	CSP Survey	0.02 (1 minute)	150	3	\$42.03	\$126.09
	Total		300	128		\$5,379.84

15. Reasons for Change in Burden

A. Changes in Collection Since Previous OMB Approval in 2016

OMB previously approved the renewal of this information collection in February 2016. The current collection contains:

- 1,500 responses
- 2,493.33 burden hours
- \$1,022,266.67 in respondent hourly cost burden
- \$0 in annual (non-hour) costs

B. Changes proposed to 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:

- 300 responses
- 462 burden hours
- \$202,356 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 \$819,910.67 (from \$1,022,266.67 to \$202,356) from the previous renewal to this collection in February 2016:

- Increase in estimated hourly rates. The 2016 renewal used an estimated rate of \$410 per hour for respondents to this collection, which was the estimated attorney rate for intellectual property attorneys in private firms. For the current renewal, the USPTO is using updated hourly rates of \$438 for attorneys.
- Decrease in estimated burden hours. The total estimated burden hours have decreased from 2,493.33 in the 2016 renewal to \$202,356 for the current renewal due to overall decrease 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 1,200 (from 1,500 to 300) and the total burden hours will decrease by 2,031.33 (from 2,493.33 to 462) 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 changes in the annual (non-hour) cost burden.

16. Project Schedule

The USPTO does not plan to publish this information for statistical use. However, patent 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 EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.