

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Response to Office Action and Voluntary Amendment Forms**  
**OMB CONTROL NUMBER 0651-0050**  
**(June 2017 draft)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by the Trademark Act (Act), 15 U.S.C. § 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademark and service marks, collective membership marks, and certification marks. Individuals and businesses that use such marks, or intend to use such marks, in interstate commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO). This collection generally contains information that is not submitted with the initial trademark application but is associated with, or required for, the USPTO review of applications for registration.

The USPTO administers the Trademark Act through Chapter 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications.

In some cases, the USPTO issues Office Actions to applicants who have applied to register a mark, requesting information that was not provided with the initial submission, but is required before the issuance of a registration. Also, the USPTO may determine that the mark is not entitled to registration, pursuant to one or more provisions of the Act. In such cases, the USPTO may issue Office Actions advising applicants of the refusal to register the mark. Applicants reply to these Office Actions by providing the required information and/or by putting forth legal arguments as to why the refusal of registration should be withdrawn.

Applicants may supplement their applications by providing further information prior to examination, or may request a change to an application that has been examined, but not yet approved for publication, via a Voluntary Amendment Not in Response to USPTO Office Action/Letter.

A Request for Reconsideration after Final Office Action may be filed after issuance of a final Office Action, but before the deadline for filing an appeal. Filing a request for reconsideration early in the six-month response period can eliminate the need for some appeals or petitions and reduce the need for remands on appeal.

Applicants may also file a Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment in order to submit a proposed amendment to an application that has already been approved for publication, allowed for registration on the Supplemental

Register, or published, or for which a Notice of Allowance has issued. If an applicant receives a Suspension Inquiry or Letter of Suspension from the USPTO, the applicant may use the Response to Suspension Inquiry or Letter of Suspension to file a reply.

The information solicited or received by the USPTO may include the following: substitute drawings or specimens; amendments to marks; changes to the international classification or to the identification of goods and/or services; changes to the applicant's address or phone number; changes to the application's state/country of citizenship; changes to the applicant's entity type; changes to the application filing basis; changes to the correspondence address or e-mail address; information regarding the dates of use of the mark; disclaimers of certain components of the mark; descriptions of the mark; references to related, pre-existing registrations owned by the applicant; translations and transliterations of non-English wording in the mark; consent of an individual, if any, whose name, portrait, or signature is a component of the mark; and information concerning the use of the mark in another form.

The forms in this collection are available in electronic format through the Trademark Electronic Application System (TEAS), which can be accessed through the USPTO Web site. The TEAS forms allow users to pay any fees by credit card, an authorization to charge a USPTO deposit account, or electronic funds transfer (EFT). Applicants may also submit the information in paper format by mail, fax, or hand delivery, as appropriate. There are no official paper forms for the items in this collection. Individuals and businesses can submit their own paper forms, following the USPTO's rules and guidelines to ensure that all of the necessary information is provided.

This collection includes information that was not submitted with the initial application and is needed by the USPTO to review applications for trademark registration. Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect the information:

**Table 1: Information Requirements to Collect Information Submitted After the Initial Trademark Application**

IC #	Requirements	Statute	Rule
1	Response to Office Action	15 U.S.C. §§ 1056 and 1062	37 CFR Part 2, 2.61(b), 2.62, 2.63, 2.71-2.75, and 2.77
2	Substitute Trademark/Service mark Application, Principal Register	15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141	37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31
3	Substitute Certification Mark	15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141	37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31
4	Substitute Collective Membership Mark	15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141	37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63,

			2.71-2.77, 2.86 and 7.25-7.31
5	Substitute Collective Trademark/Service mark	15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141	37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter	15 U.S.C. §§ 1051 and 1062	37 CFR Part 2, 2.71-2.75 and 2.77
7	Request for Reconsideration After Final Office Action	15 U.S.C. §§ 1051 and 1062	37 CFR Part 2, 2.61(b), 2.62, 2.64, 2.71-2.75
8	Post Approval/Publication /Post-Notice of Allowance (NOA) Amendment	15 U.S.C. § 1051	37 CFR Part 2, 2.71-2.75, 2.77 and 2.84
9	Petition to Amend Basis Post-Publication	15 U.S.C. § 1051	37 CFR Part 2, 2.77 and 2.84
10	Response to Suspension Inquiry or Letter of Suspension	15 U.S.C. §§ 1051 and 1062	37 CFR Part 2, 2.62 and 2.67

## 2. Needs and Uses

The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's Web site. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

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 of Information Submitted After the Initial Trademark Application**

IC #	Form and Function	Form #	Needs and Uses
1	Response to Office Action (TEAS) Response to Office Action (Paper)	PTO-1957	<ul style="list-style-type: none"> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the application for registration is incomplete, and/or to submit arguments in response to a refusal of registration.</li> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the wrong application form was used.</li> <li>Used by the public to pay additional fees.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original application</li> </ul>

			and which the USPTO needs to complete the review of these applications, and/or to review arguments submitted in response to a refusal of registration.
2-5	<p>Substitute Teacher/Service Mark Application, Principal Register (TEAS Global)</p> <p>Substitute Teacher/Service Mark Application, Principal Register (Paper)</p> <p>Substitute Certification Mark (TEAS Global)</p> <p>Substitute Certification Mark (Paper)</p> <p>Substitute Collective Membership Mark (TEAS Global)</p> <p>Substitute Collective Membership Mark (Paper)</p> <p>Substitute Collective Trademark/Service Mark (TEAS Global)</p> <p>Substitute Collective Membership Mark (Paper)</p>	Global	<ul style="list-style-type: none"> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the application for registration is incomplete, and/or to submit arguments in response to a refusal of registration.</li> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the wrong application form was used.</li> <li>Used by the public to pay additional fees.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original application and which the USPTO needs to complete the review of these applications, and/or to review arguments submitted in response to a refusal of registration.</li> </ul>
6	<p>Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)</p> <p>Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper)</p>	PTO-1966	<ul style="list-style-type: none"> <li>Used by the public to request modification and/or addition to an already filed application that the examining attorney has not yet examined.</li> <li>Used by the USPTO to review an application for registration.</li> </ul>
7	<p>Request for Reconsideration After Final Office Action (TEAS)</p> <p>Request for Reconsideration After Final Office Action (Paper)</p>	PTO-1960	<ul style="list-style-type: none"> <li>Used by the public to request reconsideration of an examining attorney's final refusal or requirement.</li> <li>Used by the USPTO to streamline and promote efficiency in the process once a final action has issued in an application for trademark registration.</li> <li>Used by the USPTO to eliminate the need for some appeals or petitions, and reduce the need for remands of applications on appeal.</li> </ul>
8-9	<p>Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)</p> <p>Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (Paper)</p> <p>Petition to Amend Basis Post-Publication (TEAS Global)</p> <p>Petition to Amend Basis Post-Publication (Paper)</p>	PTO-1771	<ul style="list-style-type: none"> <li>Used by the public to submit a proposed amendment to an application that has already been approved for publication, published, or allowed for registration on the Supplemental Register or for which a Notice of Allowance has issued.</li> <li>Used by the public to submit a petition to amend the basis after publication.</li> <li>Used by the USPTO to determine whether a proposed amendment is acceptable and whether republication of the mark is required.</li> </ul>
10	<p>Response to Suspension Inquiry or Letter of Suspension (TEAS)</p> <p>Response to Suspension Inquiry or Letter of Suspension (Paper)</p>	PTO-1822	<ul style="list-style-type: none"> <li>Used by the public to submit a response to a suspension inquiry or letter of suspension received from the USPTO.</li> <li>Used by the USPTO to consider responses from applicants to actions related to suspended applications.</li> </ul>

### 3. Use of Information Technology

The USPTO currently offers four IT systems in support of this collection that are accessible through the online Trademark Electronic Business Center (TEBC). The TEBC provides descriptions of the systems, and the systems feature online "help" programs. Thus, the USPTO offers the public a single source for a variety of IT

systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

The USPTO provides online electronic forms through a web-accessible electronic application system (i.e., TEAS). Electronic forms can only be submitted via TEAS; filers may not e-mail their own forms to the USPTO. Once completed, TEAS forms are transmitted to the USPTO via the Internet. The TEAS forms include “help” instructions, as well as a “Form Wizard” that tailors the form to the particular characteristics of the application or registration in question, based on responses provided by the user to questions posed by the “Wizard.” The forms filed are received within seconds after transmission and a confirmation of filing is immediately issued via e-mail to the user. The TEAS system improves the efficiency of the application process by providing users with less burdensome alternatives to paper forms and also reduces the processing time for the forms.

In addition, the TEAS Global Forms are an interim workaround as the USPTO develops TEAS forms for items that are currently collected only in paper. The TEAS Global Form format permits the USPTO to collect information electronically when a TEAS form having dedicated data fields is not yet available.

In addition to providing a system that allows the electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records.

The USPTO maintains an online image database, called the Trademark Status and Document Retrieval (TSDR) system, which includes images of each of the documents that make up the “electronic file wrapper” of a trademark application or registration, and also provides users with information regarding the status of trademark applications and registrations. The data in the TSDR system is updated daily.

The USPTO provides a web-based record of registered marks, and marks for which applications for registration have been submitted, called the Trademark Electronic Search System (TESS). TESS can be used by potential applicants for trademark registration to assist in the determination of whether a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusing similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

The Trademark Reporting and Monitoring (TRAM) system is also maintained by the USPTO. This system is an internal USPTO database only and provides support to all facets of Trademark operations, from the receipt of a new application in the USPTO, through processing and examination of the application and into the post-registration activities required to maintain registered trademarks. Bibliographic data in TRAM for pending applications and active registrations is updated in real time. The TRAM system

maintains current location and status information on applications and registrations, enabling the USPTO to promptly determine the status of any file and to locate files. Data is received in an electronic format that permits expedited transfer to TRAM, thereby reducing processing steps and improving the reliability and quality of the data that is transferred.

#### **4. Efforts to Identify Duplication**

This collection does not solicit any data already available at the USPTO. The information collected is information that was requested by the USPTO in an Office Action, information that an applicant did not provide in the original application, arguments made by the applicant about why registration should not be refused, an amendment submitted by an applicant after an application is approved for publication or has been published, or information and/or arguments submitted by an applicant in response to the initial or continued suspension of an application.

#### **5. Minimizing the Burden to Small Entities**

The USPTO expects that the submission of the information provided places no undue burden on small businesses or other small entities. The same information is required from every customer and is not available from any other source.

#### **6. Consequences of Less Frequent Collection**

Less frequent collection of this information is not possible. The information is collected either in response to a USPTO Office Action or submitted voluntarily. If the information were not collected, the public would not be able to respond to Office Actions or submit amendments after an application has been approved for publication or has published. If the collection of information were not conducted, the USPTO could not comply with the requirements of the Trademark Act, 15 U.S.C. § 1051, and 37 CFR Part 2.

#### **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 May 16<sup>th</sup>, 2017 (82 FRN No. 93, 22519-22521). The public comment period ended on July 15<sup>th</sup>, 2017. The USPTO received no public comments in response to the Notice.

In addition, several large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (TPAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The TPAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting

membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the TPAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protects the intellectual property that is the underpinning of America's strong economy.

## **9. Payment or Gifts to Respondents**

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

## **10. Assurance of Confidentiality**

The initial application for registration of a trademark is open to public inspection. The information collected from the applicant in response to the items in this collection is also available for inspection by the public. Confidentiality is not required in the processing of this information.

## **11. Justification for Sensitive Questions**

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

## **12. Estimate of Hour and Cost Burden to Respondents**

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO expects that it will receive approximately 472,313 responses to this information collection annually.

- **Burden Hour Calculation Factors**

The USPTO expects that it will take the approximately 10 minutes (0.17 hours) to 45 minutes (0.75 hours) to gather the necessary information, create the document, and submit the completed request, depending upon the type of request and the method of submission (electronic or paper).

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$410 per hour for respondent cost burden calculations for most forms, which is the mean rate for attorneys in private firms as shown in the 2015 *Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). The USPTO expects that the information in this collection will be prepared by attorneys. This is a fully loaded hourly rate.

**Table 3: Burden Hour/Burden Cost to Respondents for Information Collected After Submission of the Initial Trademark Application**

IC #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Response to Office Action (TEAS)	0.58 (35 minutes)	410,722	238,219	\$410.00	\$97,669,790.00
1	Response to Office Action (Paper)	0.67 (40 minutes)	9,847	6,597	\$410.00	\$2,704,770.00
2	Substitute Trademark/Service mark Application, Principal Register (TEAS Global)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
2	Substitute Trademark/Service mark Application, Principal Register (Paper)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
3	Substitute Certification Mark (TEAS Global)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
3	Substitute Certification Mark (Paper)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
4	Substitute Collective Membership Mark (TEAS Mark)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
4	Substitute Collective Membership Mark (Paper)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
5	Substitute Collective Trademark/Service mark (TEAS Global)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
5	Substitute Collective Trademark/Service mark (Paper)	0.50 (30 minutes)	1	1	\$410.00	\$410.00
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)	0.33 (20 minutes)	16,117	5,319	\$410.00	\$2,180,790.00
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper)	0.50 (30 minutes)	163	82	\$410.00	\$33,620.00
7	Request for Reconsideration After Final Office Action (TEAS)	0.67 (40 minutes)	17,515	11,735	\$410.00	\$4,811,350.00
7	Request for Reconsideration After Final Office Action (Global)	0.75 (45 minutes)	44	33	\$410.00	\$13,530.00
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)	0.42 (25 minutes)	4,541	1,907	\$410.00	\$781,87.00
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (Paper)	0.50 (30 minutes)	11	6	\$410.00	\$2,460.00
9	Petition to Amend Basis Post-Publication (TEAS Global)	0.33 (20 minutes)	800	264	\$410.00	\$108,240.00



9	Petition to Amend Basis Post-Publication (Paper)	0.42 (25 minutes)	33	14	\$410.00	\$5,740.00
10	Response to Suspension Inquiry or Letter of Suspension (TEAS)	0.17 (10 minutes)	12,499	2,000	\$410.00	\$820,000.00
10	Response to Suspension Inquiry or Letter of Suspension (Paper)	0.25 (15 minutes)	13	3	\$410.00	\$1,230.00
<b>Totals</b>			<b>472,313</b>	<b>266,187</b>		<b>\$109,136,670.00</b>

### 13. Total Annual Cost Burden

The USPTO estimates that the annual (non-hour) cost burden for this collection will be approximately \$113,056.35, with \$108,100 in filing and processing fees and \$4,956.35 in postage costs. Table 4 shows the cost burden of fees and postage.

There are no operations, maintenance, or record-keeping costs associated with this information collection. There is a filing fee and a processing fee associated with this collection.

Customers will also incur postage costs when submitting non-electronic information to the USPTO by mail through the United States Postal Service. The USPTO expects that the majority (98%) of the paper forms are submitted to the USPTO via first-class mail. The USPTO estimates that these submissions will typically weigh approximately one ounce and that the first-class postage rate for these submissions is 49 cents. The USPTO estimates that 9,850 will be mailed.

**Table 4: Annual (Non-Hour) Cost Burden**

IC #	Item	Responses (a)	Amount (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
<b>Filing and Processing Fees</b>				
2	Additional processing fee for application that does not meet TEAS Plus or TEAS RF filing requirements, per Class	172	\$125.00	\$21,500.00
9	Petition to Amend Basis Post-Publication (TEAS Global)	800	\$100.00	\$80,000.00
9	Petition to Amend Basis Post-Publication (Paper)	33	\$200.00	\$6,600.00
<b>Total Filing and Processing Fees</b>		<b>1,005</b>		<b>\$108,100.00</b>
<b>Postage Fees</b>				
1		9,847	\$0.49	\$4,825.03

	Response to Office Action			
2	Substitute Trademark/Service Mark Application, Principal Register	1	\$0.49	\$0.49
3	Substitute Certificate Mark	1	\$0.49	\$0.49
4	Substitute Collective Membership Mark	1	\$0.49	\$0.49
5	Substitute Collective Trademark/Service Mark	1	\$0.49	\$0.49
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter	163	\$0.49	\$79.87
7	Request for Reconsideration after Final Office Action	44	\$0.49	\$21.56
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment	11	\$0.49	\$5.39
9	Petition to Amend Basis Post-Publication	33	\$0.49	\$16.17
10	Response to Suspension Inquiry or Letter of Suspension	13	\$0.49	\$6.37
	<b>Total Postage Fees</b>	<b>10,115</b>		<b>\$4,956.35</b>
	<b>Total Annual (Non-Hour) Cost Burden</b>			<b>\$113,056.35</b>

#### 14. Annual Cost to the Federal Government

The USPTO expects that it takes a GS-7, step 10 employee between 6 minutes (0.10 hours) and 15 minutes (0.25 hours) to process the response, substitute application, and voluntary amendment items in this collection. The hourly rate for a GS-7, step 10, is currently \$27.21 according to the U.S. Office of Personnel Management's (OPM's) wage charge, 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-7, step 10, is \$36.40 (\$28.00 + \$8.40).

The USPTO expects that it takes a GS-12, step 8 employee between 12 minutes (0.20 hours) and 14 minutes (0.23 hours) to process the post-publication items in this collection. The hourly rate for a GS-12, step 8, is currently \$45.79 according to OPM's wage charge, 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-12, step 8, is \$61.24 (\$47.11 + \$14.13).

Table 5 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 5: Burden Hour/Burden Cost to the Federal Government for Information Collected After Submission of the Initial Trademark Application**

<b>Item #</b>	<b>Item</b>	<b>Hours (a)</b>	<b>Responses (yr) (b)</b>	<b>Burden (hrs/yr) (c) (a) x (b)</b>	<b>Rate (\$/hr) (d)</b>	<b>Total Cost (\$/hr) (e) (c) x (d)</b>
1	Response to Office Action (TEAS)	0.20 (12 minutes)	410,722	82,144.40	\$36.40	\$2,990,056.16
1	Response to Office Action (Paper)	0.25 (15 minutes)	9,847	2,461.75	\$36.40	\$89,607.70
2	Substitute Trademark/Service mark Application, Principal Register (TEAS Global)	0.20 (12 minutes)	1	0.20	\$36.40	\$7.28
2	Substitute Trademark/Service mark Application, Principal Register (Paper)	0.25 (15 minutes)	1	0.25	\$36.40	\$9.10
3	Substitute Certification Mark (TEAS Global)	0.20 (12 minutes)	1	0.20	\$36.40	\$7.28
3	Substitute Certification Mark (Paper)	0.25 (15 minutes)	1	0.25	\$36.40	\$9.10
4	Substitute Collective Membership Mark (TEAS Global)	0.20 (12 minutes)	1	0.20	\$36.40	\$7.28
4	Substitute Collective Membership Mark (Paper)	0.25 (15 minutes)	1	0.25	\$36.40	\$9.10
5	Substitute Collective Trademark/Service mark (TEAS Global)	0.20 (12 minutes)	1	0.20	\$36.40	\$7.28
5	Substitute Collective Trademark/Service mark (Paper)	0.25 (15 minutes)	1	0.25	\$36.40	\$9.10
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)	0.13 (8 minutes)	16,117	2,095.21	\$36.40	\$76,265.64
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper)	0.15 (9 minutes)	163	24.45	\$36.40	\$889.98
7	Request for Reconsideration after Final Office Action (TEAS)	0.20 (12 minutes)	17,515	3,503.00	\$36.40	\$127,509.20
7	Request for Reconsideration after Final Office Action (Paper)	0.25 (15 minutes)	44	11.00	\$36.40	\$400.40
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)	0.20 (12 minutes)	4,541	908.20	\$61.24	\$55,618.17
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (paper)	0.23 (14 minutes)	11	2.53	\$61.24	\$154.94

Item #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
9	Petition to Amend Basis Post-Publication (TEAS Global)	0.20 (12 minutes)	800	160.00	\$61.24	\$9,798.40
9	Petition to Amend Basis Post-Publication (Paper)	0.23 (14 minutes)	33	7.59	\$61.24	\$464.81
10	Response to Suspension Inquiry or Letter of Suspension (TEAS)	0.10 (6 minutes)	12,499	1,249.90	\$36.40	\$45,496.36
10	Response to Suspension Inquiry or Letter of Suspension (paper)	0.13 (8 minutes)	13	1.69	\$36.40	\$61.52
	<b>Total</b>	----	<b>472,313</b>	<b>92,571.52</b>	----	<b>\$3,396,388.80</b>

## 15. Reason for Change in Burden

### A. Changes in Collection since previous OMB approval in 2014

OMB previously approved the renewal of this information collection in April 2014. The current collection contains:

- 271,783 responses
- 132,122 burden hours
- \$51,395,458.00 in respondent hourly costs
- \$318,428 in annual (non-hour) costs

#### Changes from the 60-Day Federal Register Notice

### 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:

- 472,313 responses
- 266,187 burden hours
- \$109,136,670 in respondent hourly cost burden
- \$113,056.35 in annual (non-hour) costs

#### Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$57,741,212 (from \$51,395,458 to \$109,136,670) from the previous renewal of this collection in July 2017:

- Increases in estimated hourly rates. The 2014 renewal used an estimated attorney rate of \$389 per hour for respondents to this collection. For the current renewal, the USPTO is using updated hourly rates of \$410 for attorneys.
- Increases in estimated burden hours. The total estimated hours have increased from 132,122 in the 2014 renewal to 266,187 for the current renewal due to overall increases in the estimated annual responses to this collection.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will increase by 200,581 (from 271,732 to 472,313) and the total burden hours will increase by 340,065 (from 132,122 to 472,187) 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 \$205,371.65 (from \$318,428 to \$113,056.35), with the decrease being due to administrative adjustments.

#### Administrative Adjustments

- Decrease of \$204,400 in filing and postage fees due to agency adjustment of number of items that require payment of the fees.
- Decrease of \$974.53 in postage costs due to agency adjustment of applications requiring paper submission.

#### **16. Project Schedule**

There is no 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 date on which OMB's approval of this information collection exists.

#### **18. Exception to the Certificate Statement**

No exceptions to the certificate statement are included in this collection of information.

#### **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.