

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Application for Registration to Practice before the United States Patent and**  
**Trademark Office (USPTO)**  
**OMB CONTROL NUMBER 0651-0012**  
**December 2017**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require applicants to provide information to demonstrate they are of good moral character and reputation and have the necessary qualifications to assist applicants with patent matters and to represent them before the USPTO.

The USPTO administers the statute through 37 CFR 1.21 and 11.5-11.60. These rules address the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered patent attorney or agent before the USPTO and the requirements to practice in trademark and other non-patent matters. The Office of Enrollment and Discipline (OED) collects information to determine the qualifications of individuals entitled to represent applicants before the USPTO in the preparation and prosecution of patent matters. The OED also collects information to administer and maintain the roster of patent attorneys and agents registered to practice before the USPTO. Information concerning registered patent attorneys and agents is published by the OED in a public roster that can be accessed through the USPTO web site.

Table 1 identifies the proposed statutory and regulatory provisions that require the USPTO to collect this information:

**Table 1: Information Requirements for Attorneys and Agents Registered to Practice Before the USPTO**

<b>IC No.</b>	<b>Requirement</b>	<b>Statute</b>	<b>Rule</b>
1	Application for Registration to Practice Before the United States Patent and Trademark Office	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6 and 11.7
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6(c) and 11.7

3	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent	35 U.S.C. 2(b)(2)(D)	37 CFR 11.14(c)
4	Application for Limited Registration	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6(b)
5	Written Requests (Certificate of Good Standing, Disciplinary History)	35 U.S.C. 2(b)(2)(D)	37 CFR 1.21(a)(4)
6	Undertakings Completed by Former USPTO Employees who Served in the Patent Examining Corps Who Desire to Register to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.10(b)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.10(b)
7	Registration Examination to Become a Registered Practitioner	35 U.S.C. 2(b)(2)(D)	37 CFR 11.7(b)(1)(ii)
8	Reasonable Accommodation	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6 and 11.7
9	Data Sheet completed by Patent Attorneys and Agents registering to practice before the United States Patent and Trademark Office	35 U.S.C. 2(b)(2)(D)	37 CFR 11.5 and 11.11
10	Oath or Affirmation	35 U.S.C. 2(b)(2)(D)	37 CFR 11.8
11	Mandatory Survey: Data Sheet – Register of Patent Attorneys and Agents	N/A	N/A
12	Reinstatement to the Register	35 U.S.C. 2(b)(2)(D)	37 CFR 11.11
13	Change of Registration from Agent to Attorney	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6
14	Written request for reconsideration and further review of disapproval notice of application	35 U.S.C. 2(b)(2)(D)	37 CFR 11.2(c) and (d)
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.2(c) and (d)
16	Petition to USPTO Director under 11.2(d)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.2(d)
17	Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	N/A	N/A

## 2. Needs and Uses

The OED Director uses the information in this collection to determine whether the applicant is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of patent applications.

The USPTO uses applicant information in determining whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

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 2 outlines how the USPTO and the public use this information. There are eight forms associated with this collection.

**Table 2: Needs and Uses of Information Collected from Applicant for Registration**

IC No.	Form and Function	Form #	Needs and Uses
1	Application for Registration to Practice Before the United States Patent and Trademark Office (Ref. A)	Form PTO-158	<ul style="list-style-type: none"> <li>• Used by domestic applicants to apply for registration.</li> <li>• Used by practitioners to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (Ref. B)	Form PTO-158A	<ul style="list-style-type: none"> <li>• Used by foreign applicants to apply for registration.</li> <li>• Used by practitioners to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>

3	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (Ref. C)	Form PTO-158T	<ul style="list-style-type: none"> <li>• Used by foreign applicants to apply for recognition to practice in trademark cases.</li> <li>• Used by foreign applicants to show they have met all the necessary requirements to prosecute an application for trademark registration.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements for trademark prosecution cases.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to recognize applicants.</li> </ul>
4	Application for Limited Recognition	PTO 158	<ul style="list-style-type: none"> <li>• Used by nonimmigrant aliens to apply for recognition as attorneys or agents before the USPTO.</li> <li>• Used by the USPTO to process applications by nonimmigrant aliens who seek recognition as attorneys or agents before the USPTO.</li> </ul>
5	Written Request for Reconsideration and Further Review of Disapproval Notice of Application	No Form Associated	<ul style="list-style-type: none"> <li>• Used by the public to submit a written request for reconsideration of a disapproval notice for admission to the registration examination.</li> <li>• Used by the public to request further review or consideration of their application.</li> <li>• Used by the applicant to appeal to the Director of the USPTO for admission to the registration examination.</li> <li>• Used by the USPTO to reconsider a disapproval notice for admission to the registration examination.</li> <li>• Used by the USPTO to grant admission to the registration examination after further review and reconsideration.</li> </ul>
6	Undertaking Under 37 CFR 11.10(b) Ref. (E)	Form PTO/275	<ul style="list-style-type: none"> <li>• Used by applicants who are former USPTO employees to agree in writing that they will not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO.</li> <li>• Used by former USPTO employees to apply for a waiver in the scope of the undertaking to specify areas where they may not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO.</li> <li>• Used by the USPTO to determine whether the applicant is a former USPTO employee.</li> </ul>

7	Registration Examination to Become a Registered Practitioner	No Form Associated	<ul style="list-style-type: none"> <li>• Used by domestic applicants to apply for registration.</li> <li>• Used by domestic applicants to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>
8	Reasonable Accommodation	PTO 158R	<ul style="list-style-type: none"> <li>• Used to facilitate an applicant's request for reasonable accommodation, due to a medical condition, to take the examination for registration to practice before the USPTO.</li> <li>• Used by the USPTO to provide reasonable accommodation to eligible applicants.</li> </ul>
9	Data Sheet – Register of Patent Attorneys and Agents (Ref. F)	Form PTO-107A	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
10	Oath or Affirmation (Ref. G)	Form PTO-1209	<ul style="list-style-type: none"> <li>• Used by all applicants requesting to be admitted to practice before the USPTO.</li> <li>• Used by the USPTO to admit an applicant to practice before the USPTO.</li> </ul>
11	Mandatory Survey: Data Sheet – Register of Patent Attorneys and Agents	PTO-107S	<ul style="list-style-type: none"> <li>• Used by applicants to supply up-to-date contact information.</li> <li>• Used by the USPTO to request target information from patent applicants.</li> </ul>

12	Reinstatement to the Register (Ref. F)	Form PTO-107A	<ul style="list-style-type: none"> <li>Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
13	Change of Registration from Agent to Attorney	PTO 158	<ul style="list-style-type: none"> <li>Used by registered practitioners to change USPTO status from an agent to an attorney.</li> <li>Used by USPTO to determine whether an agent may change registration status from agent to attorney.</li> </ul>
14	Written Requests (Certificate of Good Standing, Disciplinary History)	No Form Associated	<ul style="list-style-type: none"> <li>Used by registrants to request copies of their certificate of good standing and disciplinary history.</li> <li>Used by USPTO to receive requests by registrants for their certificate of good standing and disciplinary history.</li> </ul>
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the applicant to petition the OED Director for reconsideration of denial of admission to practice before the USPTO.</li> <li>Used by the applicant to petition the OED Director for reconsideration of denial of recognition to practice before the USPTO.</li> </ul>
16	Petition to USPTO Director under 11.2(d)	No Form Associated	<ul style="list-style-type: none"> <li>Used by applicants to petition the Director of the USPTO to request a review of the decision made by the Director of OED regarding enrollment or recognition.</li> <li>Used by the USPTO to receive petitions to the Director of the USPTO for review of decision made by the Director of OED regarding enrollment or recognition.</li> </ul>
17	Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	No Form Number	<ul style="list-style-type: none"> <li>Used by applicants and practitioners (as required) for requesting (1) reconsideration of a decision by OED staff and (2) petitions.</li> <li>Used by applicants and practitioners (as required) to expedite the processing of applications, documents and correspondence.</li> <li>Used by the USPTO to provide faster processing of applications and correspondence.</li> </ul>

### 3. Use of Information Technology

At the present time, the USPTO does provide the option of using fillable forms for all items in this collection. This means that, for some forms, the respondent may type

directly into the form on the computer. After typing the information into the form, the form will have to be printed locally, signed, and then submitted to the USPTO in accordance with the instructions in the General Requirements Bulletin. The USPTO continues to expand the number of fillable forms and is moving towards electronic submission of all forms in the near future.

The basic contact information the USPTO collects about the attorneys and agents on the register, who are recognized to practice before the USPTO in patent matters, can be accessed by the public through the USPTO's website. When the public clicks on the link to the Roster of Patent Attorneys and Agents, the "Patent Attorneys and Agents Registered to Practice before the USPTO" page will open. From this page, the public can search for registered patent attorneys and agents through a search engine, by geographical region, or by searching through the entire list of registered patent attorneys and agents. The actual attorney/agent names are all formatted in the same manner, regardless of the search conducted: last name, street address, city, state, zip code, telephone number (optional), registration number, and an indication of attorney/agent/government employee status.

The OED Director may publish on the Internet the names and business addresses of all individuals seeking registration or recognition who pass the examination or for whom examination has been waived, as well as, publishing a notice in the *Official Gazette of the United States Patent and Trademark Office* to solicit information bearing on their moral character and reputation. The OED Director also publishes notices of administrative suspensions.

If the USPTO is notified by the patent office of another country that a registered patent agent is no longer registered or no longer in good standing before the patent office of that country, and does not show good cause why his or her name should not be removed from the register, the OED Director shall promptly remove the name from the register and publish that the name has been removed. The OED Director will also remove the names of patent agents who are no longer live in the country in which they are registered and publish that the names have been removed.

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

The information in this collection is received prior to any other use by the USPTO. The business address of the applicant for registration may be duplicated on individual patent applications. Information concerning a practitioner's record with OED is confidential to the attorney/agent, while information regarding a patent may be shared with other members of a firm or be sent directly to an applicant.

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

This collection of information does not impose a significant economic impact on small entities or small businesses.

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

This information is collected only at the time of application for registration or recognition to practice before the USPTO in patent matters or to update the roster of registered practitioners, as needed. It could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not be able to admit registered practitioners to practice before the USPTO or keep the roster of registered practitioners updated.

## **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 October 18, 2017 (82 Fed Reg. 48492). The comment period ended on December 18, 2017. One public comment was received.

The comment remarked that three items used by the public were not included in the PRA estimates. The commenter noted that change of address, certificate of mailings, and self-addressed stamped return acknowledgments were not included in the burden estimates. However, the Agency response is that all three of these items are excluded from PRA estimates. Specifically, under OMB regulations, "...certifications....changes of address...or acknowledgments..." are not defined as information (5 CFR 1320.3(h) (1)). The commenter also noted that one of the CFR references cited was no longer valid; that reference has been removed. Finally, the commenter noted that the Agency appears to use the term "roster" of patent attorneys interchangeably with "register" of patent attorneys. The Agency acknowledges that the two are intended to be used interchangeably.

The USPTO has long-standing relationships with groups who frequently communicate their views on information collections, including the American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), and International Trademark Association (INTA), as well as business groups, inventor associations, and users of our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. These organized groups did not communicate any comments regarding the present renewal.

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

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary for recognition by the USPTO as a registered attorney or agent.



## **10. Assurance of Confidentiality**

Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection contains information of a confidential nature, which is subject to the Privacy Act. This information is collected on Forms PTO-158 Application for Registration to Practice before the United States Patent and Trademark Office, PTO/275 Undertaking Under 37 CFR 11.10(b), and PTO-107A Data Sheet – Register of Patent Attorneys and Agents. Privacy Act Statements are included on all of these forms. A Systems of Records Notice (COMMERCE/PAT-TM-1 Attorneys and Agents Registered to Practice Before the Office) was published in the *Federal Register* on March 19, 2013 (78 Fed Reg. 16839). Administrative controls, such as storage of records in lockable metal file cabinets or in metal file cabinets in secured rooms or premises, or electronic files stored in secure premises with access limited to those whose official duties require access, are used to safeguard this information as appropriate.

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

The USPTO does request information of a sensitive nature on Forms PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office, PTO-158A Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) By a Foreign Resident, PTO-158T Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c), PTO-107S Mandatory Survey – Register of Patent Attorneys and Agents, and PTO-107A Data Sheet – Register of Patent Attorneys and Agents.

35 U.S.C. 31 requires that attorneys, agents, and others possess good moral character and reputation before they are allowed to represent applicants. The information is used to determine the suitability of the applicant as a potential registered patent attorney or agent. On the application forms and the data sheet, the USPTO informs the applicant that candor and truthfulness are considered to be significant elements of fitness relevant for practice before the USPTO, and that they should provide all information, even if it is unfavorable. If the applicant answers “Yes” to any questions, the USPTO also requests that the applicant provide a written statement detailing the facts of the situation and any associated documentation. The USPTO also warns the applicant that failure to disclose any of the requested information may result in either denial of registration or disciplinary proceedings under 37 CFR 11.22 if the applicant becomes a registered patent attorney or agent. The applicant also certifies by his or her signature that all of the information provided in the application is true and correct. The applicant is additionally warned that any willfully false statement or certification is considered to be a criminal offense and is punishable by law under 18 U.S.C. 1001.

## **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 estimates that it receives approximately 19,864 responses annually.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public from approximately 3 minutes (0.05 hours) to 7 hours, depending upon the complexity of the situation, to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO estimates that the remaining items in this collection will primarily be supplied by intellectual property legal professionals (patent attorneys and agents). The professional rate for attorneys in private firms is \$438 per hour, as published in a report by the 2017 Committee on Economics of Legal Practice of the American Intellectual Property Law Association.

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

IC No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) <b>Form PTO-158</b>	0.50	2,611	1,305.50	\$438.00	\$571,809.00
	Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) <b>Form PTO-158</b>	0.50	19	9.50	\$438.00	\$4,161.00
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) <b>Form PTO-158A</b>	0.50	10	5.00	\$438.00	\$2,190.00
3	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) <b>Form PTO-158T</b>	0.50	50	25.00	\$438.00	\$10,950.00
4	Application for Limited Recognition <b>PTO-158</b>	0.50	638	319.00	\$438.00	\$139,722.00
5	Written request for reconsideration and further review of disapproval notice of application	1.50	30	45.00	\$438.00	\$19,710.00
6	Undertaking under 37 CFR 11.10(b) <b>PTO/275</b>	0.33	159	53.00	\$438.00	\$23,214.00
7	Registration Examination to Become a Registered Practitioner	7.00	2,300	16,100.00	\$438.00	\$7,051,800.00

8	Reasonable Accommodation <b>PTO 158R</b>	4.00	39	156.00	\$438.0 0	\$68,328.00
9	Data Sheet – Register of Patent Attorneys and Agents (individuals who have passed the registration exam) <b>PTO-107A</b>	0.17	916	152.67	\$438.0 0	\$66,868.00
	Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) <b>PTO-107A</b>	0.17	100	16.67	\$438.0 0	\$7,300.00
	Data Sheet – Register of Patent Attorneys and Agents (former examiners ) <b>PTO-107R</b>	0.17	100	16.67	\$438.0 0	\$7,300.00
10	Oath or Affirmation <b>PTO-1209</b>	0.08	1,116	93.00	\$438.0 0	\$40,734.00
11	Mandatory Survey – Register of Patent Attorneys and Agents <b>PTO-107S</b>	0.50	5,000	2,500	\$438.0 0	\$1,095,000.00
12	Reinstatement to the Register <b>PTO-107A, PTO-107R</b>	0.08	53	4.42	\$438.0 0	\$1,934.50
13	Change of Registration from Agent to Attorney <b>PTO-158</b>	0.50	50	25.00	\$438.0 0	\$10,950.00
14	Written Requests (Certificate of Good Standing, Disciplinary History)	0.08	350	29.17	\$438.0 0	\$12,775.00
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	0.75	20	15.00	\$438.0 0	\$6,570.00
16	Petition to USPTO Director under 11.2(d)	0.75	3	2.25	\$438.0 0	\$985.50
17	Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	0.05	6,300	315.00	\$438.0 0	\$137,970.00
	<b>Total</b>	- - -	<b>19,864</b>	<b>21,187.8 3</b>	- - -	<b>\$9,280,271.00</b>

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

There are no capital start-up or maintenance costs associated with this information collection. However, this collection does have non-hourly costs due to recordkeeping requirements, filing fees, and mailing costs.

Because the Oath requires a notary public, there are processing costs for this collection. The average fee for having a document notarized is \$6. The USPTO estimates that it will receive 1,116 responses to this information collection per year as a result of this notary requirement, for a total cost of \$6,696 per year. Notarizations and additional recordkeeping costs are calculated in Table 4 below:

**Table 4: Recordkeeping Costs – Non-hour Cost Burden**

IC No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Costs (e) (c) x (d)
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1	Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) <b>Form PTO-158</b>	0.08	2,611	217.58	\$438.00	\$95,301.50
	Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) <b>Form PTO-158</b>	0.08	19	1.58	\$438.00	\$693.50
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) <b>Form PTO-158A</b>	0.08	10	0.83	\$438.00	\$365.00
3	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) <b>Form PTO-158T</b>	0.08	50	4.17	\$438.00	\$1,825.00
4	Application for Limited Recognition <b>PTO-158</b>	0.50	638	319.00	\$438.00	\$139,722.00
5	Written request for reconsideration and further review of disapproval notice of application	0.08	30	2.50	\$438.00	\$1,095.00
6	Undertaking under 37 CFR 11.10(b) <b>PTO/275</b>	0.08	159	13.25	\$438.00	\$5,803.50
8	Reasonable Accommodation <b>PTO 158R</b>	0.08	39	3.25	\$438.00	\$1,423.50
9	Data Sheet – Register of Patent Attorneys and Agents <b>PTO-107A</b>	0.08	1,116	93.00	\$438.00	\$40,734.00
10	Oath or Affirmation <b>PTO-1209</b>	0.08	1,116	93.00	\$438.00	\$40,734.00
	Oath or Affirmation <b>Cost of Notary Public</b>	---	1,116	---	\$6 Cost of notary public	\$6,696.00
12	Reinstatement to the Register <b>PTO-107A, PTO-107R</b>	0.08	53	4.42	\$438.00	\$1,934.50
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	0.08	20	1.67	\$438.00	\$730.00
16	Petition to USPTO Director under 11.2(d)	0.08	3	0.25	\$438.00	\$109.50
	<b>Totals</b>	---	<b>6,292</b>	<b>431.33</b>	---	<b>\$336,802.00</b>

The annual non-hour cost burden associated with filing fees is \$1,132,920.00 as outlined in Table 5 below:

**Table 5: Filing Fees – Non-hour Cost Burden**

IC No.	Item	Responses (yr) (a)	Filing Fee (\$) (b)	Total Non-Hour Cost Burden (\$/hr) (c)= (a) x (b)
1	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	2,611	\$100.00	\$261,100.00
	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	19	\$40.00	\$760.00
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	10	\$40.00	\$400.00
3	Application Fee for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney/Agent (examination waived)	50	\$40.00	\$2,000.00
4	On Grant of Limited Recognition Under §11.9(b)	638	\$200.00	\$127,600.00
5	Written request for reconsideration and further review of disapproval notice of application	30	\$130.00	\$3,900.00
	Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR 1.21(a)(10) (those who must prove fitness to practice)	20	\$1,600.00	\$32,000.00
7	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by the USPTO (USPTO-administered exam)	20	\$450.00	\$9,000.00
	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	2,300	\$200.00	\$460,000.00
	For administered review of Registration Examination by a commercial entity. (computer exam)	50	\$195.00	\$9,750.00
	For USPTO-Administered Review of Registration Examination	10	\$450.00	\$4,500.00
9	On Registration to Practice Under §11.6	916	\$200.00	\$183,200.00
12	Reinstatement to the Register <b>PTO-107A, PTO-107R</b>	53	\$200.00	\$10,600.00
13	On Change of Registration from Agent to Attorney	50	\$100.00	\$5,000.00
14	Certificate of Good Standing as an Attorney or Agent, Standard	314	\$40.00	\$12,560.00

	Certificate of Good Standing as an Attorney or Agent, Suitable for Framing	27	\$50.00	\$1,350.00
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	20	\$400.00	\$8,000.00
16	Review of Decision of the Director of Enrollment and Discipline Under §11.2(d)	3	\$400.00	\$1,200.00
	<b>Totals</b>	<b>7,181</b>	<b>- - -</b>	<b>\$1,132,920.00</b>

Since most transactions and correspondence regarding registration occur via United States Postal Service there are mailing costs associated with this collection. The General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases before the USPTO states that business transactions with the USPTO should be in writing. OED transactions will be based exclusively on the written record pursuant to 37 CFR 1.2. All documents may be submitted to the USPTO by first-class mail through the United States Postal Service. Postage costs range from \$0.49 to \$1.73.

Therefore, the USPTO estimates that it will receive 3,904 responses to this information collection per year subject to mailing costs, for a total annual postage cost of \$2,265.72.

**Table 6: Postage Fees – Non-hour Cost Burden**

IC No.	Item	Responses (a)	Postage Fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
1	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	2,611	\$0.61	\$1,592.71
1	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	19	\$0.61	\$11.59
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) <b>Form PTO-158A</b>	10	\$0.49	\$4.90
3	Application Fee for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney/Agent (examination waived)	3	\$0.61	\$1.83
5	Written request for reconsideration and further review of disapproval notice of application	30	\$0.61	\$18.30
8	Reasonable Accommodation <b>PTO 158R</b>	39	\$0.61	\$23.79

9	Data Sheet – Register of Patent Attorneys and Agents (individuals passing the registration exam) <b>PTO-107A</b>	916	\$0.49	\$448.84
	Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) <b>PTO-107A</b>	100	\$0.49	\$49.00
	Data Sheet – Register of Patent Attorneys and Agents (former examiners seeking registration) <b>PTO-107A</b>	100	\$0.49	\$49.00
12	Reinstatement to the Register <b>PTO-107A, PTO-107R</b>	53	\$0.49	\$25.97
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	20	\$1.73	\$34.60
16	Review of Decision of the Director of Enrollment and Discipline Under §11.2(d)	3	\$1.73	\$5.19
	<b>Totals</b>	<b>3,904</b>	<b>---</b>	<b>\$2,265.72</b>

Therefore, the total annualized non-hour cost burden for this collection based on recordkeeping requirements (\$336,802.00), filing fees (\$1,132,920.00), and mailing costs (\$2,265.72) amounts to \$1,471,987.72.

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

The USPTO uses a range of resources and staff to handle and process files and related activities associated with this information collection. The USPTO estimates that it takes a GS-9 step 5, a GS-11 step 5, and a GS-15 step 5 between 5 minutes (0.08 hours) and 40 hours to process a significant portion of the information in this collection.

The USPTO estimates that it will take a GS-15, step 5, 1,500 hours to develop and maintain a data bank of 2,000 questions and answers for the registration examination.

The USPTO incurs processing time and costs accounts resend User ID and Password Notices for practitioners. The USPTO estimates that it will take a GS-11, step 5, an average of 2 minutes (0.03 hours) for manual activities associated with account management, that is, generating letters, placing orders for automated notices, etc.

The cover page is a time-saving measure for the USPTO that simplifies document identification. At the present time, document identification is done by contractor support, General Clerk category. The USPTO estimates that it takes a General Clerk approximately 1 minute (0.02 hours) to process a cover page.

The hourly rates for this collection include:

- The hourly rate for a GS-15, step 5, is currently \$71.56. When 30% is added to account for a fully loaded hourly rate, inclusive of benefits and overhead, the cost per hour is \$71.56+ \$21.47, for a rate of \$93.03.

- The hourly rate for a GS-11, step 5, is currently \$36.12. When 30% is added to account for a fully loaded hourly rate, inclusive of benefits and overhead, the cost per hour is \$36.12 + \$10.84, for a rate of \$46.96.
- The hourly rate for a GS-9, step 5, is currently \$29.85. When 30% is added to account for a fully loaded hourly rate, inclusive of benefits and overhead, the cost per hour is \$29.85+ \$8.96, for a rate of \$38.81.
- The hourly rate for a General Clerk is \$28.77 per hour, based upon the May 2016 Bureau of Labor Statistics Occupational Employment Statistics Report for Judicial Law Clerks (23-1012). When 30% is added to account for a fully loaded hourly rate, inclusive of benefits and overhead, the cost per hour is \$28.77+ \$8.63, for a rate of \$37.41.

Table 7 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 7: Processing Hours and Costs – Government Burden**

IC No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) <b>Form PTO-158</b>	0.25	2,611	652.75	\$38.81	\$25,333.23
	Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) <b>Form PTO-158</b>	0.25	19	4.75	\$38.81	\$184.35
2	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) <b>Form PTO-158A</b>	0.25	10	2.50	\$38.81	\$97.03
3	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) <b>Form PTO-158T</b>	0.25	50	12.50	\$38.81	\$485.13
4	Application for Limited Recognition <b>PTO-158</b>	0.25	638	159.50	\$38.81	\$6,190.20
5	Written request for reconsideration and further review of disapproval notice of application GS-15, step 5 GS-11, step 5	8.00	30	240.00	\$93.03	\$22,327.20
		1.50		45.00	\$46.96	\$2,113.20
6	Undertaking under 37 CFR 11.10(b) <b>PTO/275</b>	0.25	159	39.75	\$38.81	\$1,542.70
7	Registration Examination to Become a Registered Practitioner	7.00	2,300	16,100.00	\$38.81	\$624,841.00



8	Reasonable Accommodation <b>PTO-158R</b>	1.0	39	39.00	\$93.0 3	\$3,628.17
9	Data Sheet – Register of Patent Attorneys and Agents (individuals passing the registration exam) <b>PTO-107A</b>	0.25	916	229.00	\$38.8 1	\$8,887.49
	Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) <b>PTO-107A</b>	0.25	100	25.00	\$38.8 1	\$970.25
	Data Sheet – Register of Patent Attorneys and Agents (former examiners seeking registration) <b>PTO-107A</b>	0.25	100	25.00	\$38.8 1	\$970.25
10	Oath or Affirmation <b>PTO-1209</b>	0.08	1,116	93.00	\$38.8 1	\$3,609.33
11	Mandatory Survey – Register of Patent Attorneys and Agents <b>PTO-107S</b>	0.25	5,000	1,250.00	\$38.8 1	\$48,512.50
12	Reinstatement to the Register <b>PTO-107A, PTO-107R</b>	40.00	30	1,200.00	\$93.0 3	\$111,636.00
	GS-15, step 5	0.50		15.00	\$38.8 1	\$582.15
	GS-9, step 5					
13	Change of Registration from Agent to Attorney <b>PTO-158</b>	0.25	50	12.50	\$36.8 1	\$485.13
14	Written Requests (Certificate of Good Standing, Disciplinary History)	0.05	350	17.50	\$36.8 1	\$679.18
15	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c)	0.75	20	15.00	\$93.0 3	\$1,395.45
	GS-15, step 5	0.50		10.00	\$46.9 6	\$469.60
	GS-11, step 5					
16	Petition to USPTO under Director 11.2(d)	0.75	3	2.25	\$93.0 3	\$209.32
	GS-15, step 5	0.50		1.50	\$46.9 6	\$70.44
	GS-11, step 5					
17	Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	0.02	6,300	105.00	\$37.4 0	\$3,927.00
	<b>Totals</b>	- - -	<b>19,864</b>	<b>20,296.5 0</b>	- - -	<b>\$869,146.27</b>

## 15. Reason for Change in Burden

### A) Changes in collection since previous renewal in 2014

OMB previously approved this collection in December 2014. That renewal contained:

- 21,935 responses
- 34,934 burden hours
- \$13,408,623.00 in respondent costs
- \$1,372,052.00 in annual (non-hour) costs

### Changes since the previous renewal

Since the renewal in 2014, there have been two change worksheets approved by OMB. The first, approved in April 2017, added a mandatory survey to the collection and removed the IC concerning applications by law school students. The second made changes to the fees, following the 2017 Patent Fee Rulemaking (0651-AD02).

### Changes since publication of the 60-Day *Federal Register* Notice

Since the publication of the 60-day notice in the *Federal Register*, the following changes have been made:

- An increase of 1,406 responses
- An increase of 2,628.44 burden hours
- An increase of \$1,189,555.66 in hourly respondent costs
- An increase of \$497,187.19 in annual (non-hour) costs

These changes are to account for the 2017 Patent Fee Rulemaking (0651-AD02), as well as revisions to agency estimates. These changes are described in greater detail in Section 15-B below.

### 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:

- 19,864 responses
- 21,187.83 burden hours
- \$9,280,271.00 in respondent (hourly) costs
- \$1,471,987.72 in annual (non-hour) costs

### Changes in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$5,093,668.00 (from \$14,373,939.00 to \$9,280,271.00) from the previous OMB approval of this collection in December 2017.

### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 22,581 (from 42,445 to 19,864) from the currently approved burden for this collection. This change is due to the following:

- **Change in number of responses:**

- o IC line 1 (Application for Registration to Practice Before USPTO (includes both the computerized exam and the USPTO-administered exam) has decreased from 3,782 to 2,611 responses.
  - o IC line 1 (Application for Registration to Practice Before the USPTO (former examiners; examination waived) has decreased from 100 to 19 responses.
  - o IC line 2 (Application for Registration to Practice Before the USPTO Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) has decreased from 100 to 10 responses.
  - o IC line 3 (Application for Reciprocal Recognition to Practice in Trademark Matters Before the USPTO Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived)) has increased from 25 to 50 responses.
  - o IC line 6 (Undertaking under 37 CFR 11.10(b)) has decreased from 520 to 159 responses.
  - o IC line 7 (Registration Examination to Become a Registered Practitioner) has decreased from 4,440 to 2,300 responses.
  - o IC line 8 (Reasonable Accommodation) has decreased from 40 to 39 responses.
  - o IC line 9 (Data Sheets) has decreased from 2,195 to 1,116 responses.
  - o IC line 10 (Oath or Affirmation) has decreased from 2,195 to 1,116 responses.
  - o IC line 12 (Reinstatement to Register) has increased from 30 to 53 responses.
  - o IC line 17 (Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions) has decreased from 7,500 to 6,300 responses.
- **Addition of four new IC lines:**
    - o IC line 4 (On Grant of Limited Recognition Under §11.9(b))
    - o IC line 13 (Change of Registration from Agent to Attorney)
    - o IC line 14 (Written Requests (Certificate of Good Standing, Disciplinary History))

- o IC line 16 (Petition to USPTO Director under 11.2(d)) have been added to this collection as new items
- **Removal of two old IC lines:**
  - o Two IC lines (Petition for reinstatement after disciplinary removal under 37 CFR 11.6, and Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction) have been removed from this collection due to program changes or duplication with other lines.

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will decrease by \$1,481,064.28 (from \$2,954,652.00 to \$1,473,587.72) from the currently approved costs for this collection. This change is due to:

- **Decrease in fee estimates.** The non-hourly cost decreased due to the decrease in the estimate of fees. This decrease outweighed the increases in recordkeeping costs and postage costs.

#### **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 expiration date.

#### **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.