

SUPPORTING STATEMENT
United States Patent and Trademark Office
Response to Office Action and Voluntary Amendment Forms
OMB CONTROL NUMBER 0651-0050
(2020)

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This collection of information is required by the Trademark Act (Act), 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademark and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO). This information 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.

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 a mark is not entitled to registration, pursuant to one or more provisions of the Act. In such cases, the USPTO will issue an Office Action advising the applicant 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the required information and/or by putting forth legal arguments as to why the refusal of registration should be withdrawn.

The USPTO administers the 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.

Applicants may also supplement their applications and provide further information by filing a Voluntary Amendment Not in Response to USPTO Office Action/Letter, a Request for

Reconsideration after Final Office Action, a Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment, a Petition to Amend Basis Post-Publication, or a Response to Suspension Inquiry or Letter of Suspension. In rare instances, an applicant may also submit a Substitute Trademark/Service mark, Substitute Certification Mark, Substitute Collective Membership Mark, or Substitute Collective Trademark/Service mark application.

This information collection includes information that was not submitted with the initial application and is needed by the USPTO to review applications for trademark registration. The information in this collection can be collected in two different ways: through five dedicated Trademark Electronic Application System (TEAS) forms or five TEAS Global forms, or through a permitted paper submission. When permitted to file on paper, 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.

Table 1 identifies the statutory and regulatory provisions that permit the USPTO to collect the information needed to process these submissions:

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

Item No.	Requirements	Statute	Regulations
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	15 U.S.C. §§ 1051 and 1062	37 CFR Part 2, 2.62 and 2.67

	Suspension		
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**2. Indicate how, by whom, and for what purpose the information is to be used.
 Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.**

The USPTO uses the information described in this information collection to process the substantive submissions made during prosecution of the trademark application. The information in this information 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 accessible online, through the USPTO website, as well as through various USPTO facilities. 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. For more specific needs and uses of the collected information, see Table 2.

The information collected, maintained, and used in this information 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

Item No.	Form and Function	Form #	Needs and Uses
1	Response to Office Action	PTO-1957	<ul style="list-style-type: none"> 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. Used by the public to pay additional fees. 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.
2-5	Substitute Trademark/Service mark Application, Principal Register Substitute Certification Mark Substitute Collective Membership Mark Substitute Collective Trademark/Service mark	TEAS Global	<ul style="list-style-type: none"> 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. 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. Used by the public to pay additional fees. 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.
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter	PTO-1966	<ul style="list-style-type: none"> Used by the public to request modification and/or addition to an already filed application that the examining attorney has not yet examined. Used by the USPTO to review an application for registration.
7	Request for Reconsideration After Final Office Action	PTO-1960	<ul style="list-style-type: none"> Used by the public to request reconsideration of an examining attorney's final refusal or requirement. Used by the USPTO to streamline and promote efficiency in the process once a final action has issued in an application for trademark registration. Used by the USPTO to eliminate the need for some appeals or petitions, and reduce the need for remands of applications on appeal.
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment	PTO-1771	<ul style="list-style-type: none"> 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. Used by the USPTO to determine whether a proposed amendment is acceptable and whether republication of the mark is required.
9	Petition to Amend Basis Post-Publication	TEAS Global	<ul style="list-style-type: none"> Used by the public to submit a petition to amend the basis after publication. Used by the USPTO to determine whether a proposed amendment to the basis is acceptable.
10	Response to Suspension Inquiry or Letter of Suspension	PTO-1822	<ul style="list-style-type: none"> Used by the public to submit a response to a suspension inquiry or letter of suspension received from the USPTO. Used by the USPTO to consider responses from applicants to actions related to suspended applications.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of information collection. Also describe any consideration of using information technology to reduce burden.

The USPTO offers the public a variety of IT systems useful both for making submissions to the USPTO and for tracking the status of these submissions. This information collection involves three information technology (IT) systems that are publicly accessible through the USPTO website: TEAS; Trademark Status and Document Retrieval (TSDR); and Trademark Electronic Search System (TESS).

The USPTO provides online electronic forms through 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. 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 are received and

filed upon transmission, and a confirmation of filing is immediately issued via e-mail to the user.

In addition, the TEAS Global Forms are an interim workaround as the USPTO develops TEAS forms for all items. 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 for electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records. The USPTO maintains TSDR, an online image database, 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 also provides TESS, a web-based record of registered marks, and marks for which applications for registration have been submitted. 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 there is, or may be, a likelihood of confusion between marks for which registration is sought and marks in existing registrations pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information 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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 Act, 15 U.S.C. § 1051, and 37 CFR Part 2.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of activity, the clarity of

instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the *Federal Register* on July 29, 2020 (85 FRN No. 146 45598). The public comment period ended on September 28, 2020. 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. 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.

Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No comments or viewpoints were expressed regarding the present renewal.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

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

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Trademark applications and registrations are open to public inspection. Confidentiality is not required in the processing of this information.

This information collection may contain information subject to the Privacy Act. This information is collected on registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use, or intend to use such marks in commerce may file an application to register their marks with the USPTO. Trademark Application

information collection activities are covered under the Statement of Records Notice (COMMERCE/USPTO-26 Trademark Application and Registration Records) at Federal Register /Vol. 85, No. 32 /Tuesday, February 18, 2020 /Notices. This SORN identifies the categories of records in the system containing applicants for trademark, include the name, citizenship, domicile, email address, postal address, and telephone number of the trademark applicant, registrant, and applicant's or registrant's legal or other authorized representative(s), an attorney's law firm or company affiliation and professional licensing information, and other information pertaining to an applicant's or registrant's activities in connection with the applied-for or registered mark. Records in this system include trademark applications, applicant and registrant declarations, office actions, registration certificates, and correspondence generated in the course of the prosecution of a trademark application or maintenance of a trademark registration.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**
- **Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.**

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 this collection will have 393,657 respondents; 314,925 from private sector entities and 78,732 from individuals and households. The USPTO further estimates that it will receive approximately 393,664 submissions per year under this information collection. 99.9% of these responses will be filed electronically.

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 expects that it will take the between 15 minutes (0.25 hours) and 40 minutes (0.67 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 believes that attorneys will complete these items. The USPTO uses a professional rate of \$400 per hour for respondent cost burden calculations for most forms, which is the mean rate for attorneys in private firms as shown in the 2019 *Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the [American Intellectual Property Law Association \(AIPLA\)](https://www.aipla.org/).¹

Table 3: Total Hourly Burden For Private Sector Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (a)	Estimated Response Time (Minutes) (b)	Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)	Rate ² (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
1	Response to Office Action (TEAS)	275,180	275,180	0.67 (40 minutes)	184,370	\$400	\$73,748,000
2	Substitute Trademark/Service Mark Application, Principal Register (TEAS Global)	Same as line 1	2	0.50 (30 minutes)	1	\$400	\$400
3	Substitute Certification Mark (TEAS Global)	Same as line 1	2	0.50 (30 minutes)	1	\$400	\$400.00
4		Same as line 1	2	0.50	1	\$400	\$400

¹ <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>

² 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour. The hourly rate for paraprofessional/paralegals is estimated at \$145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA)

	Substitute Collective Membership Mark (TEAS Global)			(30 minutes)			
5	Substitute Collective Trademark/Service mark (TEAS Global)	Same as line 1	2	0.50 (30 minutes)	1	\$400	\$400
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)	10,897	10,897	0.33 (25 minutes)	3,596	\$400	\$1,438,400
7	Request for Reconsideration After Final Office Action (TEAS)	15,762	15,762	0.67 (40 minutes)	10,561	\$400	\$4,224,400
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)	3,498	3,498	0.42 (25 minutes)	1,469	\$400	\$587,600
9	Petition to Amend Basis Post-Publication (TEAS Global)	623	623	0.33 (25 minutes)	206	\$400	\$82,400
10	Response to Suspension Inquiry or Letter of Suspension (TEAS)	8,965	8,965	0.25 (15 minutes)	2,241	\$400	\$896,400
	Totals	314,925	314,932		202,447		\$80,978,800

Table 4: Total Hourly Burden For Individual And Household Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses	Estimated Response Time (Minutes)	Estimated Annual Burden (Hours)	Rate ³ (\$/hr)	Total Annual Cost
			(a)	(b)	(a) x (b) / 60 = (c)	(d)	(c) x (d) = (e)
1	Response to Office Action (TEAS)	68,795	68,795	0.67 (40 minutes)	46,093	\$400	\$18,437,200
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)	2,724	2,724	0.33 (25 minutes)	899	\$400	\$359,600
7	Request for Reconsideration After Final Office Action (TEAS)	3,941	3,941	0.67 (40 minutes)	2,640	\$400	\$1,056,000
8		875	875	0.42	368	\$400	\$147,200

³ 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour. The hourly rate for paraprofessional/paralegals is estimated at \$145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA)

	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)			(25 minutes)			
9	Petition to Amend Basis Post-Publication (TEAS Global)	156	156	0.33 (25 minutes)	51	\$400	\$20,400
10	Response to Suspension Inquiry or Letter of Suspension (TEAS)	2,241	2,241	0.25 (15 minutes)	560	\$400	\$224,000
	Totals	78,732	78,732		50,611		\$20,244,400

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

The USPTO estimates that the annual (non-hour) cost burden for this information collection will be approximately \$99,440.25, with \$99,400 in filing and processing fees and \$8.05 in postage costs. Table 5 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 information 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 of the documents permitted to be submitted on paper are submitted to the

USPTO via first-class mail. The USPTO estimates that these permitted submissions will typically weigh approximately one ounce and that the first-class two-day postage rate for these submissions is \$8.05. The USPTO estimates that 5 will be mailed.

Table 5: Annual (Non-Hour) Cost Burden

Item No.	Item	Estimated Annual Responses (a)	Amount (b)	Total Non-Hour Cost Burden (a) x (b) = (c)
	Filing and Processing Fees			
1	Additional processing fee for application that does not meet TEAS Plus filing requirements, per Class	172	\$125.00	\$21,500
9	Petition to Amend Basis Post-Publication (TEAS Global)	779	\$100.00	\$77,900
	Total Filing and Processing Fees	951		\$99,400
	Postage Fees			
1	Response to Office Action	5	\$8.05	\$40.25
	Total Postage Fees	5		\$40.25
	Total Annual (Non-Hour) Cost Burden			\$99,440.25

14. Explain the reasons for any program changes or adjustments reported on the burden worksheet. Annual Cost to the Federal Government

The USPTO expects that it takes a [GS-7, step 10](#)⁴ 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 information collection. The hourly rate for a GS-7, step 10, is currently \$30.31 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 \$39.40 (\$30.31 + \$9.09).

The USPTO expects that it takes a [GS-12, step 8](#)⁵ employee between 12 minutes (0.20 hours) and 14 minutes (0.23 hours) to process the post-publication items in this information collection. The hourly rate for a GS-12, step 8, is currently \$51.02 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 \$66.33 (\$51.02 + \$15.31).

⁴ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

⁵ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

Table 6: Burden Hour/Cost to the Federal Government

Item 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	Response to Office Action (TEAS)	0.20 (12 minutes)	343,969	68,793.80	\$39.40	\$2,710,475.72
1	Response to Office Action (Paper)	0.25 (15 minutes)	5	1.25	\$39.40	\$49.25
2	Substitute Trademark/Service mark Application, Principal Register (TEAS Global)	0.20 (12 minutes)	2	0.40	\$39.40	\$15.76
2	Substitute Trademark/Service mark Application, Principal Register (Paper)	0.25 (15 minutes)	0	0.00	\$39.40	\$0.00
3	Substitute Certification Mark (TEAS Global)	0.20 (12 minutes)	2	0.40	\$39.40	\$15.76
3	Substitute Certification Mark (Paper)	0.25 (15 minutes)	0	0.00	\$39.40	\$0.00
4	Substitute Collective Membership Mark (TEAS Global)	0.20 (12 minutes)	2	0.40	\$39.40	\$15.76
4	Substitute Collective Membership Mark (Paper)	0.25 (15 minutes)	0	0.00	\$39.40	\$0.00
5	Substitute Collective Trademark/Service mark (TEAS Global)	0.20 (12 minutes)	2	0.40	\$39.40	\$15.76
5	Substitute Collective Trademark/Service mark (Paper)	0.25 (15 minutes)	0	0.00	\$39.40	\$0
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS)	0.13 (8 minutes)	13,621	1,770.73	\$39.40	\$69,766.76
6	Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper)	0.15 (9 minutes)	0	0.00	\$39.40	\$0
7	Request for Reconsideration after Final Office Action (TEAS)	0.20 (12 minute)	19,703	3,940.60	\$39.40	\$155,259.64
7	Request for Reconsideration after Final Office Action (Paper)	0.25 (15 minutes)	04	1.00	\$39.40	\$39.40
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (TEAS)	0.20 (12 minutes)	4,373	874.60	\$66.33	\$58,012.22

Item No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
8	Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment (paper)	0.23 (14 minutes)	0	0.00	\$66.33	\$0
9	Petition to Amend Basis Post-Publication (TEAS Global)	0.20 (12 minutes)	779	155.80	\$66.33	\$10,334.21
9	Petition to Amend Basis Post-Publication (Paper)	0.23 (14 minutes)	03	0.69	\$66.33	\$45.77
10	Response to Suspension Inquiry or Letter of Suspension (TEAS)	0.10 (6 minutes)	11,206	1,120.60	\$39.40	\$44,151.64
10	Response to Suspension Inquiry or Letter of Suspension (paper)	0.13 (8 minutes)	03	0.39	\$39.40	\$15.37
	Total	----	472,313	76,661.06	----	\$3,048,213

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	393,665	0	0	-78,648	0	472,313
Annual Time Burden (Hr)	253,058	0	0	-12,668	0	265,726
Annual Cost Burden (\$)	99,440	0	0	1,196	0	98,244

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will decrease by 78,648 (from 472,313 to 393,665) and the total burden hours will decrease by 12,668 (from 265,726 to 253,058) from the currently approved burden for this information collection. These decreases are due to expected changes in the number of respondents filling responses to office actions and other submissions associated with this information collection.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$1,196 (from \$98,244 to \$99,440). The decline in items being mailed to the USPTO results in a decrease in postage costs associate with this information collection,

however, increases in fees result in an overall slight increase in the total annual (non-hour) costs.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There is no plan to publish this information for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

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.