

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Examiner Employment Application
OMB CONTROL NUMBER 0651-0042
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.

In the current employment environment, information technology professionals and engineering graduates are in great demand. The United States Patent and Trademark Office (USPTO) is in direct competition with the private industry for the same caliber of candidates with the requisite knowledge and skills to perform patent examination work. The use of automated online systems during recruitment allows the USPTO to remain competitive, meet hiring goals, and fulfill the agency’s Congressional commitment to reduce the pendency rate for the examination of patent applications.

USPTO engages in a robust marketing strategy that historically results in a high volume of applications from recent college graduates with engineering and science degrees for entry-level patent examiner positions. USPTO uses the Monster Hiring Management (MHM) system to rapidly review applications for employment of entry-level patent examiners. Given the time sensitive hiring needs of the Patent Examining Corps, the MHM system provides increased speed and accuracy during the employment process.

The use of the MHM online application fully complies with 5 U.S.C. § 2301, which requires adequate public notice to assure open competition by guaranteeing that necessary employment information will be accessible and available to the public on inquiry. It is also fully compliant with Section 508 (29 U.S.C. § 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements for Patent Examiner Employment Application

Item No.	Item	Statute	Regulations
1	Patent Examiner Employment Application	5 USC § 2301	5 CFR 1320, 29 CFR 1625.5, 37 CFR 10.39

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.

This information collection covers respondent data gathered through the MHM system. The MHM online application collects supplemental information to a candidate's USAJOBS application. This information assists USPTO Human Resource Specialists and Hiring Managers in determining whether an applicant possesses the basic qualification requirements for a patent examiner position. From the information collected, the MHM system creates an electronic real-time candidate inventory on applicants' expertise and technical knowledge, which allows USPTO to immediately review applications from multiple applicants.

Using MHM saves time by eliminating paper applications, reducing the time the Office of Human Resources staff needs to spend processing and reviewing applications by several weeks. Given the time-sensitive hiring needs of the Patent Examining Corps, the MHM system provides increased speed and accuracy during the employment process.

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 Collected for Patent Examiner Employment Application

Item No.	Item	Instrument	Needs and Uses
1	Patent Examiner Employment Application	Vacancy Questions (Patent Examiner) Eligibility Questions (Patent Examiner) Monster Hiring Questions	<ul style="list-style-type: none"> • Used by the public to apply for a position as a patent examiner. • Used by the USPTO to rate applicants for a patent examiner position.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological information 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.

Applicants use the Monster Hiring Management system, when they submit electronic applications to the USPTO. Applicants visit the OPM USAJobs website where they find

a patent examiner job announcement which links them to the MHM system. The applicant then completes and transmits his/her application to the USPTO via the Internet. Applicants who do not have access to a computer should contact OHR prior to the closing date of the announcement so appropriate accommodations can be made for submitting their applications.

Each applicant who submits an electronic employment application through the MHM system receives instant confirmation of their submission. After the application is submitted, it is reviewed for completeness. With the MHM system, reviewers can view qualified employment applications accompanied by electronic images of supplemental documentation stored with the online application. If the application is complete, the applicant's qualifications will be reviewed. If the application is incomplete, the applicant receives an e-mail notification of the deficiency.

It should be noted, however, that not all of the required information can be provided in the patent examiner employment application through the MHM system. For example, in order to apply for a patent examiner position, the applicant must also possess a minimum of a bachelor's degree. However, as part of the application through the MHM system, an unofficial college transcript must be uploaded and transmitted.

The MHM system allows the USPTO to carry out its missions by providing a streamlined and integrated approach to human resource management and support for business process improvements. Benefits of the system include reduced over all time from the initiation of a request for employment to completion of a re-scored listing, elimination of paneling costs paid to another agency, near instantaneous return of certificates, and automated protection of Veterans' hiring preferences.

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.

Every applicant who submits an application for employment through the MHM system will receive a unique system-generated identification number. Since an application for employment can only be filed through the MHM system, no duplication of effort or collection of information is expected.

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

Individuals involved in this information collection respond as individuals seeking employment with the Agency. No significant impact is placed on small entities.

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.

This information is collected only when the applicant is applying for a position at the USPTO. Therefore, this collection of information could not be conducted less frequently.

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 2 copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 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 information collection, 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 October 23, 2020. The comment period ended on December 22, 2020. No public comments were received in response to the notice.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of the public search facilities. Their views are expressed in regularly scheduled meetings and considered when developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this application process.

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.

The Office of Personnel Management (OPM) and other Federal agencies rate applications for Federal jobs under the authority of 5 U.S.C. §§ 1104, 1302, 3301, 3304, and 8716. The information in this collection will be treated confidentially to the extent allowed by law under the Freedom of Information Act (FOIA) and the Privacy Act. The information from the online applications and the vacancy announcements are used to determine suitability for Federal employment and to evaluate individual qualifications.

Confidentiality of Patent Examiner Employment Application is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of all automated online applications submissions and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private USPTO's Office of Human Resources (OHR) department information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. PII stored in the system is data collected from USPTO job applicants in which the information is confidential and unique to those individuals. The unauthorized access, modification, and/or disclosure of sensitive data would have a Moderate impact on the organization and its operations.

This information collection contains information which is subject to the Privacy Act. This information is collected by the USPTO to rate applicants for a patent examiner position and to expedite the hiring process. Individuals that is interested in Patent Examiner position may apply through the Monster Hiring Manager (MHM). Patent Examiner

Employment Application information collection activities are covered under the Statement of Records Notice (OPM/GOVT-5 Recruiting, Examining, and Placement Records) at Federal Register / Vol. 79, No. 58 / Wednesday, March 26, 2014 / Notices, page 16835. This SORN identifies the categories of records in the system. These records pertain to assembled and unassembled examining procedures and contain information on both competitive examinations and on certain noncompetitive actions, such as determinations of time-in-grade restriction waivers, waiver of qualification requirement determinations, and variations in regulatory requirements in individual cases.

This system includes such records as: (a.) Applications for employment that contain information on work and education, military service, convictions for offenses against the law, military service, and indications of specialized training or receipt of awards or honors. These records may also include copies of correspondence between the applicant and the Office or agency. (b.) Results of written exams and indications of how information in the application was rated. (c.) Records regarding the Office's final decision on an agency's decision to object/pass over an eligible for suitability or medical reasons or when the objection/pass over decision applies to a compensable preference eligible with 30 percent or more disability. (d.) Responses to and results of approved personality or similar tests administered by the Office or agency. (e) Records relating to rating appeals filed with the Office or agency. (f.) Registration sheets, control cards, and related documents regarding Federal employees requesting placement assistance in view of pending or realized displacement because of reduction in force, transfer or discontinuance of function, or reorganization. (g.) Records concerning non-competitive action cases referred to the Office for decision. These files include such records as waiver of time-in-grade requirements, decisions on superior qualification appointments, temporary appointments outside a register, and employee status determinations. (h.) Records retained to support Schedule A appointments of severely physically handicapped individuals, retained both by the Office and agencies acting under the Office delegated authorities, are part of this system. (i.) Agency applicant supply file systems (when the agency retains applications, resumes, and other related records for hard-to-fill or unique positions, for future consideration), along with any pre-employment vouchers obtained in connection with an agency's processing of an application, are included in this system. (j). Records derived from the Office-developed or agency-developed assessment center exercises. (k.) Case files related to medical suitability determinations and appeals. (l.) Records related to an applicant's examination for use of illegal drugs under provisions of Executive Order 12564

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.

The questions provided in the online applications are used to determine suitability to employment with the Federal Government. Patent examiners must possess good moral character and reputation in order to represent patent applications. Asking these questions on the online applications facilitates the hiring process by identifying any situation that could potentially disqualify an applicant from Federal employment. Because of the volume of applications received and the number of applications that must be processed in order to hire patent examiners, asking these questions up front reduces the burden on the part of the hiring manager, the recruitment staff, and the employee relations branch in terms of screening individuals who have suitability restrictions or who have falsified their applications.

Individual managers conduct reference checks after an applicant has been referred to them on an eligibility document generated through the Monster Hiring Manager system from the online application.

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 1 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'.**

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

- **Respondent Calculation Factors**
The USPTO estimates that it will receive approximately 8,386 respondents per year for this information collection.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately 30 minutes (0.50 hours) to gather and prepare the necessary information and submit the completed request to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO estimates that the candidate pools or users of the Monster Hiring Management system are entry-level patent examiners. The professional hourly rate for these respondents is estimated at an hourly rate of entry level patent examiners (Patent Examiner 07–Step 1) which is \$27.44. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$115,056 per year.

Table 3: Total Hourly Burden For Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hour) (b)	Estimated Annual Burden (hour/year) (c) (a) x (b)	Rate ¹ (\$/hour) (d)	Estimated Annual Burden (e) (c) x (d)
1	Patent Examiner Employee Application	8,386	8,386	0.50 (30 minutes)	4,193	\$27.44	\$115,056
	Total	8,386	8,386	-----	4,193	-----	\$115,056

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 2 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.

¹ USPTO is using the OPM Special Rate Table 0576—Patent Examiner 07–Step 1 as an estimate for the hourly rate: <https://apps.opm.gov/SpecialRates/2020/Table057601012020.aspx>.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital start-up, maintenance or record keeping costs, postage costs, or filing fees associated with this information collection.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The USPTO estimates that it takes a [GS-12, step 4](#) approximately 1 hour to process an electronic employment application, depending on the situation.

The USPTO estimates that the cost of a [GS-12, step 4](#) employee is \$59.16 (GS hourly rate of \$45.51 with 30% (\$13.65) added for benefits and overhead).

Table 4 calculates the processing hours and costs for a patent examiner employment application to the Federal Government.

Table 4: Burden Hour/Burden Cost to the Federal Government for Patent Examiner Employment Application

Item No.	Item	Estimated Time For Response (hours) (a)	Estimated Annual Responses (year) (b)	Estimated Annual Burden (hour/year) (a) x (b) (c)	Rate (\$/hour) (d)	Estimated Annual Burden (c) x (d) (e)
1	Patent Examiner Employee Application	0.5	8,386	4,193	\$59.16	\$248,057
	TOTAL	- - - -	8,386	4,193	- - - -	\$248,057

The USPTO has an annual maintenance cost with regard to the software license and the maintenance of the Monster Hiring Management system. The USPTO projects that it will cost approximately \$162,000 per year to maintain the software license. Therefore, the total cost to the USPTO for collecting this information is \$410,057.

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

OMB previously approved the renewal of this information collection in 2017. The current information collection contains:

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	8,386	0	0	-2,274	0	10,660
Annual Time Burden (Hr)	4,193	0	0	-6,467	0	10,660
Annual Cost Burden (\$)	0	0	0	0	0	0

Change in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 2,274 (from 10,660 to 8,386) and the total burden hours will decrease by 6,467 (from 10,660 to 4,193). These changes are due to the following administrative adjustments:

- Decrease of 2,274 responses due to revisions of Agency estimates results in a decrease of burden hours.
- Additionally the estimated time to complete the items in the information collection was reduced from 1 hour to 30 minutes based on updated usage information from USAJobs and other sources.

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.

The USPTO does not 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 items in this information collection will display the OMB Control Number and the expiration date of OMB approval.

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

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.